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# SENATE JOURNAL

OF THE

FIRST SESSION

OF THE

# TWENTY-THIRD GENERAL ASSEMBLY

OF THE

# STATE OF TENNESSEE;

Begun and held in the City of NASHVILLE, on Monday, the Seventh day of October, 1839.

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# JOURNAL OF THE SENATE FOR 1839-40.

General Assembly of the State of Tennessee, begun and held in the City of Nashville, on Monday, the seventh day of October, in the year of our Lord one thousand eight hundred and thirty-nine,—being the first session of the twenty-third General Assembly of said State:

On which day (being that appointed by the Constitution) the following named Senators appeared, produced their credentials and took their seats;—the several oaths required by the Constitution being administered by Wm. H. Hunt, Esquire, an acting Justice of the Peace for the county of Davidson—to wit:

From the District composed of the Counties of

| | |
|---|---|
| Carter, Sullivan and Washington, | John A. Aiken. |
| Cocke, Jefferson, Blount and Sevier, | Lewis Reneau. |
| Greene and Hawkins, | John Balch. |
| Grainger, Claiborne, Campbell, Anderson and Morgan, | John E. Wheeler. |
| Roane and Knox, | George W. Gaines. |
| Monroe and M'Minn, | John F. Gillespy. |
| Rhea, Bledsoe, Marion and Hamilton, | Scott Terry. |
| White, Overton, Fentress and Jackson, | Samuel Turney. |
| Warren and Franklin, | Samuel H. Laughlin. |
| Lincoln and Giles, | George W. Jones. |
| Smith and Sumner, | Timothy Walton. |
| Bedford, | Richard Warner. |
| Maury, | Williamson Smith. |
| Rutherford, | Hend'rson Yoakum. |
| Davidson, | Thos. R. Jennings. |
| Wilson, | Paulding Anderson. |
| Williamson, | John Marshall. |
| Lawrence, Wayne and Hickman, | Dennis G. Jones. |
| Dickson, Stewart and Humphries, | Jon. P. Hardwicke. |
| Robertson and Montgomery, | Henry Frey. |
| Henderson, Perry, M'Nairy and Hardin, | H. H. Brown. |
| Henry, Weakley and Obion, | Thomas Love. |
| Carroll, Gibson and Dyer, | Valentine Sevier. |
| Madison, Haywood and Tipton, | John B. Ashe. |
| Hardeman, Fayette and Shelby, | Levin H. Coe. |

Mr. Frey being called to the Chair, the Senate proceeded (viva voce) to the election of Speaker—Thomas Love and H. L. Brown being in nomination. Those who voted for Mr. Love were

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Wheeler, Warner and Yoakum—13.

Those who voted for Mr. Brown, were

Messrs, Anderson, Ashe, Frey, Gaines, Jennings, Marshall, Reneau, Sevier, Terry and Walton—10.

Whereupon the Chairman declared Thomas Love duly and constitutionally elected Speaker, who thereupon made his acknowledgments in the following words, to wit:

*Gentlemen of the Senate*—

Since you have selected me to preside over the deliberations of your honorable body, permit me to say, that the honor which you have conferred upon me will be ever and always acknowledged and remembered by me with feelings of gratitude. I am not insensible of the weighty responsibilities that the high office imposes, and I have seen enough of Legislation to know something of the arduous duties that attach to it. Therefore, I feel sensible of my own inability to discharge the duties of this office, unless I am at all times, and under all circumstances, sustained by the friendly aid and cheerful co-operation of Senators.

Gentlemen: It will be my constant aim to be faithful and impartial in the line of my official duty, and with a firm reliance on your indulgence, I take the chair.

The Senate then proceeded in like manner to the election of principal Clerk—William K. Hill being in nomination, and there being no opposition, was unanimously elected. Whereupon the several oaths prescribed by the Constitution were administered by Wm. H. Hunt, Esq.

The Senate next proceeded in the same manner to the election of an assistant Clerk, and, there being no opposition, Wm. Martin was elected without a dissenting voice, who thereupon took his seat at the Clerk's table, when the several requisite oaths were administered by Wm. H. Hunt, Esq.

The Senate next proceeded to the election of a Doorkeeper—Randolph D. Casey and Daniel Williams being in nomination. Those who voted for Mr. Casey were

Messrs. Love, Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Wheeler, Warner and Yoakum—14.

Those who voted for Mr. Williams were

Messrs, Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier, Terry and Walton—11.

Whereupon, the Speaker declared Randolph D. Casey duly elected, who was thereupon required to give his attendance accordingly.

On motion of Mr. Hardwicke, Ordered, that the Clerk acquaint the House of Representatives, by message in writing, that a quorum of the

Senate had assembled, were organized, and ready to proceed to the dispatch of public business.

Mr. Brown submitted the following:

*Resolved*, That the rules for the government of the Senate at the last session be adopted for the government of the present Senate, until otherwise altered or new ones adopted.

And the sense of the Senate being thereon had, the said resolution was adopted.

And thereupon the Senate adjourned.

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TUESDAY MORNING, Oct. 8, 1839.

On motion of Mr. Marshall, the Rev. R. B. C. Howell was invited within the bar of the Senate, who thereupon, by request offered prayer to the throne of grace.

Mr. Terry submitted the following resolution:

*Resolved*, That the Clerk of the Senate, under the direction of the Speaker, contract for stationery for the use of the Senate during the present session.

And the rule requiring resolutions to lie one day on the table being suspended on motion of Mr. Terry, the said resolution was adopted.

Mr. Warner moved a reconsideration, which motion prevailing, the said resolution was, on his motion, ordered to the table.

On motion of Mr. Hardwicke, Ordered, that Editors of newspapers and other reporters be permitted to take seats within the bar of the Senate.

Mr. Marshall introduced

A Bill to amend the law of descents and distributions; and

A Bill providing the mode in which the laws of other States of this Union shall be received as evidence in this State.

Mr. Turney introduced

A Bill to remove the Branch of the Bank of the State of Tennessee from Clarksville, in the county of Montgomery, to the town of Sparta, in White county.

All of which were severally read a first time and passed.

A message from the House of Representatives, by Mr. Crockett, their Clerk:

Mr. Speaker: I am directed to inform the Senate that a quorum of the House of Representatives did assemble on yesterday, in obedience to the Constitution of the State. They have elected Jonas E. Thomas, the Representative from the county of Maury, their Speaker, Granville S. Crockett their Principal, and Lycurgus Winchester and George W. Allen their Assistant Clerks, and David I. Carr Principal, and Pleasant M. Hornbeck Assistant Doorkeepers, and are now ready to proceed to public business.

And then he withdrew.

The following communication was read from Luke Lea, Esq. Secretary of State:

SECRETARY'S OFFICE,
October 8, 1839.

*Hon. Thos. Love*, Speaker of the Senate:

Sir: In obedience to an act of Assembly, passed February 19th, 1836, entitled "An Act to provide for the publication of the Laws and Journals, and for other purposes," I have the honor to transmit herewith, one set of the several duplicate proposals received by me agreeably to the provisions of said act.

Which was read and ordered to the table.

A message from the House of Representatives by Mr. Crockett their Clerk:

Mr. Speaker: The House of Representatives have adopted a resolution appointing a joint select committee to wait upon his Excellency Newton Cannon, and inform him that the two branches of the General Assembly have convened in obedience to the Constitution of the State, and are now ready to receive any communication he may wish to make them; and have appointed on their part Messrs. Brown, Watson, Parker and Fonville to be of said committee, in which they ask the concurrence of the Senate.

And then he withdrew. Whereupon the said message was read and concurred with.

The Speaker then appointed Messrs. Aiken and Hardwicke to be of said Committee on the part of the Senate.

Mr. Hardwicke submitted the following:

*Resolved*, That a committee of three be appointed to draft rules for the government of the present Senate.

And the rule being suspended, the resolution was adopted.

The Speaker appointed Messrs. Hardwicke, Brown and Coe as the committee.

Mr. Terry submitted the following:

*Resolved*, That a joint select committee be appointed to draft and report rules for the government of the intercourse between the two branches of the General Assembly.

And the rule being suspended, the resolution was adopted.

The Speaker appointed Messrs. Terry and Gillespy to be of said committee on the part of the Senate.

Mr. Hardwicke, from the committee appointed to wait on his Excellency Newton Cannon, Governor of the State of Tennessee, reported, that the committee had performed the duty assigned them, and that his Excellency would, in a few moments, make his communication in writing.

Whereupon, the following message from his Excellency was presented by Luke Lea, Esq. Secretary of State, and read at the Clerk's table, to wit:

*Fellow-Citizens of the Senate*
*and of the House of Representatives:*

It may well be questioned whether the Representatives of the people of Tennessee have convened at any time when their constituents generally felt a deeper interest in the result of their deliberations, or when

the public good demanded a more calm and dispassionate exercise of enlightened patriotism in the discharge of their Legislative duties.—Many of the subjects to which your attention may be called are intimately connected with the honor and vital interest of the country; and, as much of good or evil may flow from your action touching those subjects, you will, no doubt, proceed to their consideration under a full sense of the responsibilities you have assumed, humbly invoking, at the same time, the supervising governance of the Supreme Ruler, without whose protecting providence all human Legislation would be vain.

At a time when we are favored in an eminent degree with a rich variety of the choicest blessings of divine munificence, it is much to be regretted that any thing should be found in the administration of our governmental affairs calculated to mar our prosperity and happiness as a people. But when we contemplate our own condition or look abroad among our sister States where we must seek a market for our surplus products, we find that heavy embarrassment still pervades the monetary concerns of the country. We continue to be destitute of a general circulating medium of uniform vulue; the want of which effects injuriously, not only every class of society at home, but also our credit abroad, thereby depreciating the value of our State bonds, and greatly retarding the progress, if it does not finally prevent the completion of many of our works of Internal Improvement. These and other oppressive evils, the fruits of a disordered currency, we must patiently endure so long as the government shall persist in a course of wild financial experiments, which only tend to aggravate the ills they were mainly instrumental in producing. It is not to be supposed, however, that this state of things is to be perpetual. The people hold a corrective in their own hands, and their well known intelligence, virtue and patriotism forbid the humiliating idea that they will fail to apply it. A sanguine hope may therefore be indulged that by the regular operation of our republican system, the country will ere long be delivered from the maladministration of its present rulers, with its pernicious train of experiments, abuses and spoilations.

About to retire from the office of Chief Magistrate of the State, and give place to a successor, who will probably address you at length, I deem it most respectful to decline communicating in detail my views in relation to many subjects of public interest upon which it may become your duty to deliberate during your present session, and I shall confine myself to a brief notice of those only to which a sense of official duty requires me to direct your attention.

The benefits expected to be derived from the important provisions contained in the act of the last General Assembly, entitled "An Act to establish a State Bank, to raise a fund for Internal Improvement and to aid in the establishment of a system of Education," have not been realized. The Bank has failed to effect the amelioration in our pecuniary affairs that its authors anticipated, and the expectations of the public have been sadly disappointed:—nor has the operation of the act referred to been more salutary and successful in relation to other interests it was intended to foster. There is, probably, not another law to be

found among our statutes that has more signally failed to fulfil the wishes of the Legislature, or one that requires more thorough revision and amendment, in order that it may effectuate the purposes for which it was designed.

The location of the branches of the Bank, (as had, doubtless, been anticipated by the Legislature) produced considerable excitement in some sections of the State, where it was believed injustice had been done by the Directory of the Principal Bank, in whose hands, it is believed, the power of locating the branches was improperly placed.—Such was the discontent occasioned by its exercise amongst a large and respectable portion of our fellow citizens, who conceived that they were deprived of a fair and equal participation in the benefits it was supposed the institution would confer, that they assembled by their Representatives in Convention and adopted a memorial to the Executive, earnestly urging him to convene the Legislature for the purpose of redressing their grievances. After mature deliberation I felt it my duty to decline a compliance with their request, for the reasons set forth in a communication addressed to the President of the convention, a copy of which (marked A) is herewith transmitted. Notwithstanding my settled conviction at the time that there were just grounds for complaint, inasmuch as the locations had been made at points so remote from an extensive and populous region of country as to subject its citizens to considerable expense and inconvenience, yet I did not consider that the evils sought to be remedied were of sufficient, magnitude to justify an extraordinary convention of the General Assembly. The subject, therefore, is referred to your honorable body, under a just expectation, I trust, that you will adopt such measures as the interests it involves may, in your wisdom seem to require.

In consequence of the continued depression in the stock and bond markets, the Bank has not been able to realize the whole amount of its intended capital. Of the two and a half millions of six per cent. State bonds authorized to be issued for that purpose, only one million has been sold; nor do I believe there exists a well grounded hope that the remaining million and a half can be disposed of in any short time upon the terms and conditions specified in the charter of the Bank, and none, it is hoped, are prepared to see the bonds of the State, bearing so high an interest, negotiated for a less sum than their nominal value.

The stock in other Banks belonging to the common School fund has not been diposed of as contemplated and required by the above act.—No opportunity of selling it at par has been presented, and hence, another source, from which the Bank was expected to derive a portion of its capital, has proved to be wholly unavailing.

It is to be regretted, also, that the appropriation of three hundred thousand dollars of State bonds bearing an interest of five per cent. per annum, for the improvement of the rivers in the three grand divisions of the State, has been equally nugatory and fallacious. There is not the least probability that the Bank will be able to negotiate these bonds in any reasonable time, agreeably to the requirements of the law; and unless some more efficient provisions are made to remove the obstruc-

tions in our navigable streams, they must continue to stand as so many impediments to the flow of our commercial prosperity, while, at the same time, they present a gloomy monument of vain and fruitless legislation.

Turning our attention, however, to the progress that has been made in the improvement of the country, by means of incorporated companies, we are animated by a more cheering prospect. Notwithstanding the various defects and inconsistencies of the law under which they have been acting, and the paralyzing embarrassment of the times, many of the companies have persevered in the construction of their works with such determined energy and rapid progress, as fully to realize, if not surpass the public expectation. But serious injury must inevitably be sustained by those companies and contractors, who have engaged to receive the bonds of the State, in payment of Stock, or for labor, unless something shall be done by the Legislature to enhance their value, and make good their losses already occasioned by their ruinous depreciation. This subject will, doubtless, engage your prompt attention, as it is one in which not only the interests of our citizens, but the character of the State is deeply involved. Indeed, our whole Internal Improvement System, as at present organized, is so very defective as to demand your anxious and unremitting consideration until effectual provision shall be made to correct its imperfections, secure its benefits and guard against the dangers with which it is manifestly fraught. The existing law embraces such a variety of subjects, and is so contradictory, obscure and ambiguous in its phraseology and import, that a great diversity of opinion has prevailed as to the real intentions of those who brought it into existence. It has subjected the Executive to no ordinary labor, difficulty and responsibility, originating chiefly in its own incongruity and confusion, which are well calculated to occasion perplexing irregularities in the course of its practical administration. Feeling a deep solicitude that it should be made operative, to the fullest extent, in effecting so desirable an object as the improvement of the country, and foreseeing the abuses and evils that might result from its incautious execution, I was constrained to specify with more precision than the law itself had done, the terms and conditions upon which the Internal Improvement Companies could avail themselves of its provisions—With that view I addressed a Circular Letter (a copy of which accompanies this Message,) to the Directors on behalf of the State, in the several Companies which the State had become a Stockholder. It contains the principles and regulations by which the Executive has been governed in making subscriptions for stock in said companies, and in issuing the bonds of the State for their use and benefit. Its operation has, at least, been safe, uniform and equal, and most of the companies, acquiescing in the justness of its own views, are as rapidly progressing with their works as, under existing circumstances, could reasonably be expected.—Although objections may exist in the minds of some as to the construction which has been given to the law, and the manner in which it has been applied, yet I have the satisfaction of knowing that they are approved

by those whose legal learning and impartiality entitle their opinions to superior weight and confidence.

The bonds issued under the act of 1838, exclusive of those intended for the capital of the Bank, amount to the sum of $899,500. Of this amount $300,000 were issued for the improvement of rivers, and the balance, $599,500, for the benefit of Internal Improvement Companies; all bearing interest at the rate of five per cent. per annum. Under the act of 1836, entitled "An act to encourage Internal Improvement in this State," bonds have been issued, bearing interest at the rate of five and a quarter per cent. to the amount of $265,666⅔; making an aggregate amount of State bonds issued for Internal Improvement purposes, equal to the sum of $1,163,166⅔.

In pursuance of an act of Assembly entitled, "An act to provide for the survey of a canal from the Tennessee to the Big Hatchie river," I have the honor to state, Clement W. Nance, Esq. formerly assistant Engineer of the State, has been employed to perform that service. He was assisted, for a short time, in the discharge of his duties, by Colonel Charles Potts, Engineer of the La Grange and Memphis Railroad, a gentleman of skill and experience in relation to works of the kind.—The examination and survey of the route for the Canal has been carefully made, and there exists no doubt on the part of the gentlemen named, as to the practicability of its construction at a moderate expense. The whole length of the route is but little more than thirty miles, a portion of which, at each end, is in the bottom or low grounds of the respective rivers. It intersects the Tennessee a short distance north of the southern boundary of the State, and running west, strikes the Cypress Fork of Big Hatchie a few miles north of Bolivar.

It will appear from the report of the Engineer (to which for more full information in relation to the subject generally, you are respectfully referred) that the estimated cost of this canal, sufficiently spacious to admit the passage of all kinds of boats ascending or descending the rivers, is considerably less than one million of dollars. Contemplating the quantity and value of the various commodities transported along the Tennessee river, and the immense region of country that would be benefitted by the proposed improvement in the navigation of this great commercial thoroughfare, I cannot doubt the propriety of an appropriation of the national treasure, amply sufficient to effect its speedy accomplishment. It is confidently believed that no work of Internal Improvement of more general utility than the one in view, can be made at any point in the Union, without a heavier expenditure of public money. I trust, therefore, you will not fail to take the necessary measures for bringing this important enterprize to the favorable consideration of Congress.

Popular education in a government like ours, must ever be regarded as a matter of paramount importance. Upon the intelligence and virtue of the people depends the perpetuity of our free institutions.—Knowledge and liberty are so closely allied that they can only flourish in safety and perfection, when naturally protected and cherished by each other. It is deeply to be regretted, therefore, that the action of

our present educational system has not been attended with more satisfactory results. Although common schools have sprang up under its kindly influence in some sections of the State, yet the effect has not been general, and the want of uniformity in its practical operation, occasions dissatisfaction and complaint. As, however, it is the appropriate duty of another officer of the State to bring this interesting subject fully before you, I shall not extend my remarks in relation to it; but I cannot refrain from the expression of an earnest hope, that notwithstanding the comparative insufficiency and futility of past efforts and the magnitude of the difficulties to be overcome, the Legislature will not falter in their exertions, until a system shall be devised and established securing to every free white child in our State the means, at least, of a common school education.

The Penitentiary continues in a prosperous condition, realizing the views of its friends, and promising to become a source of considerable revenue to the State, provided such regulations are adopted and enforced as are necessary to secure the collection of its debts, a portion of which has already been standing for several years. A full settlement, annually, of the debts due the institution, should be required by law, and it might be well, in the sale of articles, to allow such a discount for ready cash as generally to induce persons to make prompt payments. The quarterly settlements and the accounts of the receipts and expenditures of the institution should regularly undergo the examination and supervision of the Comptroller, and the payment of the salaries of its officers should be made in the manner prescribed by law for the liquidation of other demands upon the Treasury of the State. Experience has proved that the compensation allowed the Inspectors of the Penitentiary is insufficient to procure that punctual attention to the duties of their appointment which is necessary to the proper and successful management of its affairs. It is found, also, that the great number of persons visiting the institution for the mere gratification of curiosity, consumes much of the time of its officers, while it subjects the feelings of the unhappy inmates of the prison to increased mortification. I respectfully suggest, therefore, the propriety of exacting a moderate toll from all such visitors, and that the fund thus raised be applied to the support and maintenance of the more indigent families of the convicts, or to such other charitable object as the wisdom and benevolence of the Legislature may prescribe. The present mode of subsisting the convicts, it is believed, ought to be abandoned, and that they should be victualled under the direction of the Superintendent at the expense of the State.

A proper examination of our militia law will show that it still requires various amendments. A careful revision, with a view to its abridgement and simplification, would, doubtless, contribute greatly to its improvement.

The Judiciary of the State, being the *ægis* by which the dearest rights and interests of the citizens are mainly secured, cannot fail to command at all times, the vigilant attention of an enlightened and patriotic Legislature. The wisdom and excellency of our laws are comparatively of little moment unless they be faithfully and ably administered. No act

of the legislature, therefore, calculated to elevate the character and uphold the virtue, purity and independence of the Judicial Department of our government, can justly be considered extravagant or injudicious.

I have recently received from the authorities of the General Government a set of "Standard Weights." They are deposited in the office of the Secretary of State, subject to the disposition of your honorable body.

Since the adjournment of the last General Assembly, the following *pro tempore* appointments have been made, viz: Ebenezer Alexander, Attorney General of the second Judicial Circuit; James W. McCombs, Inspector of the Penitentiary; Return J. Meigs, Attorney General of the State; George W. Gibbs, Chancellor of the Western Division; N. H. Allen, Attorney General of the Seventh, and Thomas Maney, Judge of the Sixth Judicial Circuit. These officers have been appointed in consequence of the death or resignation of their respective predecessors, and as their commissions will expire at the close of the present session, the duty of making permanent appointments devolves on you. It may be proper here to state, that in addition to the foregoing, the Hon. Ephraim H. Foster was appointed a Senator in Congress of the United States to fill the vacancy occasioned by the resignation of the Hon. Felix Grundy, whose term expired on the 4th of March last.

In closing this communication, I avail myself of the occasion to tender, through you, to the people of Tennessee my grateful acknowledgements for the distinguished evidences of favor and confidence I have heretofore received at their hands. In retiring from their honorable service, I bear with me the proud consciousness of having faithfully discharged the high trusts committed to my charge, and shall ever cherish an unabated solicitude for their continued prosperity and happiness.

NEWTON CANNON.

Executive Department, Oct. 8, 1839.

On motion of Mr. Wheeler, it was Ordered, that five thousand copies of the foregoing message be printed for the use of the Senate. And

On motion of Mr. Terry, the message was laid on the table, and made the order of the day for Monday next.

And then the Senate adjourned.

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Wednesday Morning, Oct. 9, 1839.

The morning's business being through,

Mr. Frey offered the following:

*Resolved*, That a select committee, to consist of five members, be appointed, to which shall be referred all proposals which shall be made under the act of 1836, ch. 69, for the printing the laws and joint resolutions which may be passed during the present session of the General Assembly, and for the printing of the journals of both Houses; and also such proposals as may be made under said act for the execution of

the printing and for furnishing stationery and fuel, and that the said committee have leave to report by resolution or otherwise.

And the rule requiring resolutions to lie on the table one day being suspended—In lieu of which,

Mr. Yoakum submitted the following:

*Resolved*, That a joint select committee to consist of three members on the part of the House of Representatives, be appointed to contract for the printing of the laws and joint resolutions which may be passed at the present session, and for the printing of the journals of both Houses of the General Assembly, and for such job-printing as may be ordered by the two branches of the Legislature jointly, and that the report of the Secretary of State, with its accompanying proposals, made in pursuance of an act of the General Assembly, passed 19th February, 1836, be referred to said committee:

Mr. Gillespy moved to lay the resolution and amendment on the table.

Mr. Anderson moved a division of the motion of Mr. Gillespy, so as to obtain the sense of the Senate, first, upon laying the amendment upon the table, which being overruled, the question recurred upon the motion of Mr. Gillespy, and the sense of the Senate being thereupon had, the resolution and amendment were ordered to the table.

A message from the House of Representatives by Mr. Crockett, their Clerk:

Mr. Speaker: I am directed to inform the Senate that the House of Representatives have adopted a resolution appointing a joint committee to contract for printing the laws and joint resolutions that may be passed at the present session, and for the printing of the journals of both Houses of the General Assembly, and for such job-printing as may be ordered by either or both Houses jointly, and that the report of the Secretary of State, with its accompanying proposals, made in pursuance of an act of the General Assembly, passed 19th February, 1836, be referred to said committee, and have appointed Messrs. Fletcher, Stokes, Barry, Northcutt and Williamson to be of said committee on their part, and ask the concurrence of the Senate therein.

And then he withdrew. Whereupon the said message was read and concurred with.

The Speaker appointed Messrs. Frey, Laughlin and Coe to be of said committee on the part of the Senate.

*Ordered*, That the Clerk acquaint the House of Representatives therewith.

Mr. Jones of Hickman submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That the Secretary of State be directed to report to this General Assembly, as soon as practicable, the precise cost of the survey of the route for a Central Railroad and M'Adamized road route through the State, as provided for by an act passed at the called session of the Legislature of 1836—And also, to report to this General Assembly in like manner, the cost of the survey of the route for a canal from Tennessee river, intersecting the Hatchie river, as provided for by an act of the General As-

sembly at the late session, and that he set forth in said report, separately, each item of expense, and by whom paid.

And the rule being suspended, the said resolution was adopted.

*Ordered*, That the Clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Gillespy introduced

A Bill to authorize James Vaughn and James Ghormley to open and keep up a turnpike road. And

Mr. Wheeler, a Bill giving further time for securing entries and obtaining grants thereon. And

Mr. Hardwicke, a Bill to repeal part of an act passed in 1762, in relation to apprentices. All of which were severally read a first time and passed.

Mr. Laughlin submitted the following:

*Resolved*, That the joint select committee appointed to draft and report rules for the government of the intercourse of the two Houses of the General Assembly be instructed on the part of the Senate to draft and report a rule for the appointment of a joint standing committee on Federal Relations, to consist of three on the part of the Senate and five on the part of the House of Representatives.

And the rule being suspended, the resolution was adopted.

Mr. Yoakum submitted the following:

*Resolved*, That a select committee of three be appointed by the Senate to contract for stationery and fuel during the present session, and that the report of the Secretary of State, with such of its accompanying proposals as relate to that subject, made in pursuance of an act of the General Assembly, passed February 19, 1836, be referred to said committee.

And the rule being suspended, the resolution was adopted.

The Speaker appointed Messrs. Yoakum, Ashe and Aiken said committee.

On motion of Mr. Laughlin,

*Ordered*, That Mr. Jones of Lincoln be added to the committee to draft and report resolutions for the government of the intercourse between the two Houses of the General Assembly.

A message from the House of Representatives, by Mr. Crockett their Clerk:

Mr. Speaker: The House of Representatives have adopted a resolution that the Senate meet them in the Hall of the House of Representatives at 10 o'clock on Thursday the 10th instant, for the purpose of comparing the vote for Governor at the late General Elections, and ask your concurrence therein.

And then he withdrew. Whereupon the said resolution was read and concurred in.

*Ordered*, That the Clerk acquaint the House of Representatives therewith.

The Speaker presented the Report of the Comptroller of the State, which was, on motion of Mr. Turney, ordered to the table.

Mr. Gillespy moved the printing of twenty-five copies thereof, which

was superceded, on motion of Mr. Reneau to print 5000 copies—during the pendency of which motion,

The Senate, on motion of Mr. Coe, adjourned.

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THURSDAY MORNING, October 10, 1839.

Mr. Frey presented the following report of Miller Francis Esq'r. Treasurer of Tennessee:

TREASURER'S OFFICE,
Nashville, Octber 5, 1839.

*To the Honorable the General Assembly of the State of Tennessee:*

"In obedience to an act of the General Assembly of the State of Tennessee passed on the 2nd day of February 1836, to provide for electing a Treasurer of the State of Tennessee and to define his duties,"

I have the honor to report, that there has been received in the Treasury since the 1st Monday in October, 1837, to the 5th of October 1839, inclusive, the sum of six hundred and nine thousand three hundred and fifty-eight dollars and three cents, say $609,358 03—there has been also paid out for claims against the State, for the same period, the sum of four hundred and ninety-two thousand seven hundred and fifty-eight dollars and sixty cents, $492,758 60; leaving a balance in the Treasury of one hundred and sixteen thousand five hundred and ninety-nine dollars and forty-three cents, $116,599 43.

I have the honor further to report that I have taken stock in the Union Bank of the State of Tennessee in the same period, fourteen hundred and sixty-six shares, amounting to one hundred and forty-six thousand six hundred dollars, say $146,600 00; which sum accrued on State stock and bonus in said Bank up to the 6th day of July, 1839.

MILLER FRANCIS,
Treasurer of Tennessee.

The foregoing report was read at the clerk's table and ordered to the table.

Mr. Jennings presented the report of John Sommerville, Cashier of the Union Bank of Tennessee, relating to the condition of said Bank and Branches, and also the report of Robert H. McEwen, superintendent of Public Instruction, which were on his motion ordered to the table.

Mr. Marshall introduced,

A Bill to amend an act entitled "An Act to reform and amend the penal laws of the State of Tennessee, passed the 9th day of December 1829, which was read first time and passed.

Mr. Gillespy asked and obtained leave to withdraw for amendment, "A Bill to repeal part of an act passed 1762 in relation to apprentices."

Mr. Wheeler submitted the following: *Resolved*,

That his Excellency the Governor, be requested as soon as he may find it convenient, to furnish the Senate with copies of all or any correspondence which may have passed between himself and the Hon. Hugh L. White in all the months of October, November, and December of the year 1838, touching the resignation of the said H. L. White as

Senator in Congress, and that his Excellency, in communicating said correspondence, be especially requested to communicate to the Senate a copy of any resignation which he may have received in the time specified from the said Hugh Lawson White as Senator aforesaid, and if such resignation or letter was ever received by his Excellency, is not on the file in the Executive Department, or has been lost or mislaid or otherwise disposed of by direction of his Excellency, and is now out of his possession, that he be requested to communicate any copy he may have of the same, or specially state the contents of said resignation or letter of resignation, specifying its date, how received, and when received, and all other information relative to said correspondence which may be in possession of his Excellency, or in the Executive Department.

*Resolved.* That the foregoing resolution be forthwith communicated to his Excellency the Governor.

And the rule being suspended,

Mr. Coe moved to lay the resolution on the table, which motion prevailed.

A message from the House of Representatives by Mr. Crockett, their Clerk.

Mr. Speaker: I am directed to inform the Senate, that the House of Representatives are now ready to receive them for the purpose of comparing the votes polled at the last General Election for Governor of the State of Tennessee. And then he withdrew.

Whereupon, the Speaker and Gentlemen of the Senate repaired to the Hall of the House of Representatives, where the Speaker of the Senate, in presence of both Branches of the General Assembly, proceeded under the provisions of the Constitution to examine the returns made, and upon examination thereof, it appeared that official returns were received from all the counties in the State except the county of Shelby, and that the aggregate vote stood for Newton Cannon, fifty-one thousand three hundred and ninety-six; and for James K. Polk, fifty-four thousand and twelve—leaving Polk's majority twenty-six hundred and sixteen votes. Whereupon the Speaker of the Senate declared JAMES K. POLK, a citizen of the county of Maury, duly and constitutionally elected Governor in and over the State of Tennessee for the next ensuing two years, and thereupon the Speaker and Gentlemen of the Senate returned to their own chamber.

Mr. Hardwicke from the committee appointed to draft and report rules for the government of the Senate, reported that the committee had performed the duty assigned them, and had instructed him to report the following

## RULES.

### *Touching the duty of the Speaker.*

1st. He shall take the Chair every day precisely at the hour to which the Senate stands adjourned on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the journal of the day preceding to be read.

2d. He shall preserve order and decorum, may speak to points of

order in preference to other members, rising from his seat for that purpose; shall decide questions of order, subject to appeal to the Senate by any two members, on which appeal no member shall speak more than once, unless by leave of the Senate.

3d. He shall rise to put a question, but may state it sitting.

4th. Questions shall be directly put in this form, to wit: as many as are of opinion that (as the question may be) say aye, and after the affirmative will is expressed, as many as are of contrary opinion say no. If the Speaker doubts, or a division be called for, the Senate shall divide, those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

5th. The speaker shall examine and correct the journal before it is read. He shall have a general direction of the Senate chamber. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond one adjournment.

6th. All committees shall be appointed by the Speaker, unless otherwise specially directed by the Senate, in which case they shall be appointed by the Senate, *viva voce*, and if upon the first time of voting there is no election, there shall be a second voting, in which a plurality of votes shall prevail.

7th. In all other cases a majority of the votes given shall be necessary to an election.

8th. In cases of any disturbance or disorderly conduct in the lobby, the Speaker, or Chairman of the committee of the whole, shall have the power to order the same to be cleared.

*Order of the business of the day.*

9th. As soon as the journal is read, the speaker shall, through the clerk, call for petitions from the Senators by districts, beginning with the most eastwardly and progressing westwardly. Reports from standing committees shall be next in order. Then reports from select committees.

10th. No member shall speak to another or otherwise interrupt the business of the Senate, or read any newspaper while the journals or public papers are reading, or when any member is speaking in any debate.

11th. Every member, when he speaks, shall address the Chair, standing in his place, and shall confine himself to the question under debate, and shall avoid personalities, and when he has finished shall sit down.

12th. When two or more members rise at the same time to speak, the speaker shall determine who has the floor, but in all cases, the member who shall first rise and address the Chair shall speak first.

13th. If any member in speaking or otherwise transgresses the rules of the Senate, the Speaker shall, or any member may call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the Senate shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be permitted to proceed without leave of

the Senate. And if the case require it, he shall be liable to the censure of the Senate.

14th. If the member called to order by a senator, for words spoken, the exceptionable words shall immediately be taken down in writing, that the Speaker may be better enabled to judge of the matter.

15th. No member shall absent himself from the service of the Senate without leave first obtained, and in case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the door-keeper, or any other person or persons by them authorized, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members respectively, unless such excuse for non-attendance shall be made, as the Senate, when a quorum is convened, shall judge sufficient.

16th. No motion shall be debated until the same be seconded.

17th. When a motion shall be made and seconded, it shall be reduced to writing, if desired by the Speaker, or any member, delivered in at the table and read, before the same shall be debated.

18th. When a question is under debate, no motion shall be received, but to *adjourn, lie on the table—for the previous question—to postpone to a day certain—to commit* or amend—to postpone indefinitely; which several motions shall have precedence in the order they stand arranged, and the motion for adjournment shall always be in order and be decided without debate.

19th. If the question in debate contains several points, any member may have the same divided, but on motion to strike out and insert, it shall not be in order to move for a division of the question, but the rejection of a motion to strike out and insert one proposition, shall not prevent a motion to strike out and insert a different proposition, nor prevent a subsequent motion simply to strike out, nor shall the rejection of a motion simply to strike out, prevent a subsequent motion to strike out and insert.

20th. In filling up blanks, the largest sum and longest time shall be first put.

21st. When the reading of a paper is first called for, and the same is objected to by any member, it shall be decideded by a vote of the Senate, *without debate.*

22d. When the yeas and nays shall be called for by any two members, each member called upon shall, unless for special reasons he be excused by the Senate, declare openly and without debate, his assent or dissent to the question. In taking the yeas and nays, upon the call of the Senate, the names of the Senators shall be taken alphabetically.

23d. When the yeas and nays shall be taken upon any question, in pursuance of the above rules, no member shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

24th. When a question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, but no motion for the reconsideration of any vote shall be in order after a bill, resolution, message,

report, amendment, or motion upon which the vote was taken shall have gone out of the possession of the Senate announcing their decision, nor shall any motion for reconsideration be in order, unless made on the same day on which the vote was taken, or within the two next days of actual session of the Senate thereafter.

25th. Before any petition or memorial addressed to the Senate shall be received and read at the table, a brief statement of the contents of the petition or memorial, shall be verbally made by the introducer.

26th. Every bill shall be introduced by motion or leave, or by an order of the Senate, or the Report of the committee. And all bills shall be despatched in the order they were introduced, unless where the Senate shall otherwise direct.

27th. The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

28th. Before the second reading of the bill, the Speaker shall state it as ready for commitment, and if committed, then the question shall be, whether to a select or standing committee, or to a committee of the whole. If to a committee of the whole, the Senate shall determine on what day.

29th. After commitment and report thereof to the Senate, or at any time before its passage, a bill may be recommitted.

30th. All bills ordered to be engrossed shall be executed in fair round hand.

31st. No amendment, by way of rider, shall be received to any bill on its third reading, nor shall any amendment be allowed to a bill, upon any reading, foreign to its subject matter.

32d. When a bill shall pass, it shall be certified by the clerk; noting the day of its passage at the foot thereof.

33rd. Bills coming from the House of Representatives shall have precedence of bills in the Senate on the same subject.

34th. In forming a committee of the whole, the Speaker shall leave the Chair, and a Chairman be appointed by the Speaker to preside in committee.

35th. Upon bills committed to a committee of the whole, the bill shall be first read throughout by the clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the Senate; after report, the bill shall again be subject to be debated and amended by clauses before a question to engross it be taken.

36th. All amendments made to an original motion in committee, shall be incorporated with the motions and so reported.

37th. All amendments made to a report, committed to a committee of the whole, shall be noted and reported as in case of bills.

38th. All questions, whether in committee or in the Senate, shall be

propounded in the order in which they were moved, except that of filling up blanks.

39th. The rules of the Senate shall be observed, in committee of the whole, so far as applicable, except the rules limiting the time of speaking; but no member shall speak twice to any question, until every member choosing to speak shall have spoken.

40th. No standing rule or order of the Senate shall be rescinded or changed, without one day's notice being given of the motion thereof. Nor shall any rule be suspended except by a vote of at least two thirds of the members present.

41st. It shall be in order for the committee on enrolled bills to report at any time.

42nd. Messages may be introduced at any state of business, except while a question is putting, while the ayes and nays are taking, or while voting in an election.

43rd. There shall be the following standing committees, to wit;

1 A Committee of Privileges and Elections,
2 " " Ways and Means,
3 " " Finance,
4 " " Claims,
5 " " Education and Common Schools,
6 " " Judiciary,
7 " " Internal Improvements,
8 " " Military Affairs,
9 " " New counties and county lines,
10 " " Public Lands,
11 " " Penitentiary,
12 " " Banks,
13 " " Enrolled Bills.

44th. The previous question shall be in this form, "Shall the main question be now put." It shall only be admitted when demanded by a majority of the members present; and until it is decided, shall preclude all amendment and debate on the main question.

45th. When a bill is withdrawn for amendment, the same shall be returned in three days thereafter. All resolutions shall lie one day on the table, before they receive the action of the Senate. All of which is respectfully submitted,

J. P. HARDWICKE, *Chairman.*

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## JOINT RULES OF THE TWO HOUSES.

*For the 1st. session of the 23d General Assembly of the State of Tennessee.*

1st. In every case of amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee, such committees shall, at a convenient hour, to be named by their Chairman, meet in conference, and state to each other verbally, or in writing, as either shall choose, the reasons of their

respective Houses for and against the amendment, and confer freely thereon.

2d. Messages shall be sent by a clerk.

3d. When a messenger shall be sent from the Senate to the House of Representatives, he shall be announced at the door of the House by the door-keeper, and he shall respectfully communicate his message to the chair.

4th. The same ceremonies shall be observed when a messenger is sent from the House of Representatives to the Senate.

5th. All bills on passage between the two Houses shall be under the signature of the clerk.

6th. Bills shall be enrolled by the clerk of the House, or the clerk of the Senate, as the same may have originated in the one or the other House.

7th. The Committee of Enrollment, on Finance, on Banks, and on the Penitentiary, of both Houses, shall be joint committees.

8th. After examination and report, bills shall be signed first by the Speaker of the House of Representatives, and then by the Speaker of the Senate.

9th. When a bill or resolution passed in one House is rejected in the other, notice thereof shall be given to the House in which it passed.

10th. Each House shall transmit to the other all papers upon which any bill or resolution shall be founded.

11th. All bills which may have passed a third time, shall be engrossed in a fair hand and certified by the clerk of the House in which they may have originated before being sent to the other.

Mr. Brown moved to amend the 44th rule by adding thereto the words, "If however, a member wishes to speak who has not before spoken upon the question under consideration, in that event it should only be admitted when demanded by two thirds of the members present."

Mr. Coe moved to lay the amendment on the table indefinitely, and thereupon the question was read, "Will the Senate lay the said amendment indefinitely on the table," and determined in the affirmative—ayes 13, noes 12.

The ayes and noes being demanded constitutionally by Mr. Brown, the affirmative voters were,

Messrs. Aiken, Balch, Coe, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Love—13.

Those who voted in the negative were,

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Gillespy, Jennings, Marshall, Reneau, Sevier, Terry and Walton—12.

And so said amendment was rejected. The question then recurred upon a concurrence with the report, and the sense of the Senate being thereon had, the said reported rules were adopted.

Mr. Brown asked and obtained leave to enter his protest upon the Journals of the Senate, against the adoption of the said 44th rule without the amendment offered by him.

"A Bill to authorize James Vaughn and James Ghormley to open and keep up a Turnpike Road," was read a second time and passed.

Mr. Yoakum from the Select Committee to contract for stationery and fuel, reported that the committee had contracted with Mr. T. Berry of Nashville, for stationery of the following description, and the following prices:

| | | |
|---|---|---|
| Engrossing paper, fine, - - - | per ream, | $6 50 |
| do do ruled, - - - - - | | 7 00 |
| Blue letter paper, ruled, - - - - - | | 6 00 |
| Fine large rough-edge cap, - - - - - | | 6 00 |
| do Enveloping paper, yellow, - - - | | 6 00 |
| Black sand, per dozen papers, - - - - - | | 1 00 |
| Fine black Ink, per bottle, - - - - - | | 50 |
| Bleached Twine, per ball, - - - - - | | 37 |
| Wafers, per pound, - - - - - - | | 1 50 |
| Sealing Wax, per pound, fine, - - - - - | | 1 75 |
| Yellow Quills, No. 60, per 100, - - - - | | 3 50 |

The Committee believe the above prices reasonable, and respectfully ask a concurrence—and the sense of the Senate being thereon taken, the said report was concurred with.

And then the Senate adjourned.

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Friday Morning, Oct. 11, 1839.

Mr. Gillespy presented the petition of John T. Wilson and Allen Jones, in relation to a turnpike road from Telico Plains to the top of Unica mountain—which was ordered to the table.

Mr. Frey, from the joint select committee to whom was referred all proposals for the execution of the job-printing for both Houses of the present General Assembly, Reported, that the committee have had the subject matter under consideration, and had instructed him to report that there were but two propo-als made, one by Joel M. Smith, and one by S. Nye & Co. which were precisely the same in substance, and are as follows, to wit:

For composition for 1000 ems, for the first hundred copies of close work, $1 12½ cents. For every one hundred copies thereafter, no charge for composition. It is expected, however, that every order will embrace the full number wanted; otherwise, or if the type has been distributed previous to the second order, the same charge will be made as at first charged. Open work, as per specimen exhibited, containing 3000 ems, and the composition will be executed at $1 12½ per 1000 ems, which is $3 37½ per page for any number of copies: press work $1 12½ per token. For paper ten per cent will be added to first cost for waste.

The binder's bill for binding and stitching and folding will be added.

Rule and figure work in composition will always be charged double price.

They have further instructed me to report the following:

*Resolved by the General Assembly of the State of Tennessee*, That the proposals of Joel M. Smith to execute the job-printing of the Senate and House of Representatives jointly, be accepted, and that he be authorised to execute the job-printing jointly, for both Houses, during the present session, upon the terms set forth in this report; and also, that the said Joel M. Smith be required to enter into bond and security for the faithful performance of his duty in the sum of five thousand dollars—said security to be approved of according to law. All of which is respectfully submitted.

H. FREY, Chairman.

In lieu of which, the following was submitted by the minority of the committee, to wit:

The undersigned, a minority of the select committee to whom was referred proposals for printing the acts and journals, and proposals for job-printing of the present General Assembly, having had so much under consideration as relates to job-printing, dissent from the report of the majority, recommending a contract with Joel M. Smith. Propositions to execute the job-printing of both Houses were made by Messrs S. Nye & Co. and Mr. Joel M. Smith, offering to do the work at the same prices precisely. The minority being unwilling to discriminate between two firms when their terms are the same and their claims are equal, and believing that the printing would be done with greater dispatch by dividing it between the two applicants, recommend the adoption of the following resolution in lieu of the one recommended by a majority of the committee:

*Resolved*, That S. Nye & Co. and Joel M. Smith be jointly employed to execute the job-printing of the present General Assembly, agreeably to the requisitions of the law and the terms specified in their proposals, and that the Secretary of State be directed to take their bond in the sum of five thousand dollars, with such security as he may think sufficient for the faithful performance of the duties required.

H. FREY,
J. STOKES,
L. P. WILLIAMSON.

And thereupon the question was had—Will the Senate adopt the resolution and report of the minority? and determined in the negative, ayes 11, noes 14.

The ayes and noes being demanded by Mr. Frey, the affirmative voters were,

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier, Terry and Walton—11.

The negative voters were,

Messrs. Love, Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Wheeler, Warner and Yoakum—14.

And so said report and resolution were rejected. The question then recurred upon a concurrence with the report of the majority of the committee, and the sense of the Senate being thereon had, the said report was concurred with.

A Bill to authorize James Vaughn and James Ghormley to open and keep up a turnpike road, was taken up, read, and on motion of Mr. Jones of Hickman, ordered to the table.

Mr. Gillespy introduced

A Bill for the benefit of James Vaughn of Monroe county, which was read a first time and passed.

Mr. Turney submitted the following:

*Resolved*, That when this General Assembly shall adjourn at the close of the present session, it shall adjourn to meet and hold its session at M'Minnville, in the county of Warren.

On motion of Mr. Laughlin, the report of the Comptroller of the State was taken up, and

On motion of Mr. Anderson twenty-five hundred copies were ordered to be printed for the use of the Senate.

Mr. Gillespy returned, with an amendment,

A Bill to repeal part of an act passed in 1762, in relation to apprentices, which being read. was on motion of Mr. Jones of Hickman, ordered to the table.

On motion of Mr. Yoakum,

*Ordered*, That twenty-five hundred copies of the Report of the Superintendent of Public Instruction be printed for the use of the Senate.

Mr. Wheeler's resolution of yesterday, directory to his Excellency Newton Cannon, was taken up, read and adopted.

A message from the House of Representatives, by Mr. Crockett, their Clerk:

Mr. Speaker: The House of Representatives have adopted a resolution appointing a joint select committee to wait on James K. Polk, and inform him of his election to the office of Governor of the State of Tennessee, and of the will of the General Assembly to qualify him on Monday next at 11 o'clock, a. m., and have appointed Messrs. Glenn, Johnson of Greene, Jacobs, Fain and Gaines to be of said committee on their part, in which they ask the concurrence of the Senate.

And then he withdrew. Whereupon the said message was read and concurred with.

The Speaker appointed Messrs. Aiken, Smith and Coe to be of said committee on the part of the Senate.

*Ordered*, That the Clerk acquaint the House of Representatives therewith.

Mr. Brown asked and obtained leave to enter upon the Journals the following, to wit:

The dissent and protest of H. H. Brown, of Perry, to the adoption of the Rule in the Senate, that a call for the Previous Question shall be seconded by a bare majority:

H. H. Brown of Perry, does most solemnly dissent from, and protest against the adoption of the rule, that a call for the previous question shall be sustained by the vote of a bare majority—or in other words, that a bare majority shall be authorized to force a vote upon questions of the most importance to the country, without information, however

much needed—without modification, however desirable, and without debate, however doubtful.

He feels it his imperative duty, as a servant of the people, to record his reasons in solemn form.

He protests, because the rule is based on these false principles—that force in legislation is better than reason and justice—that secrecy is better than publicity—that prejudice may be better than wisdom, and that party is better than country, because it deprives the Senate from being a deliberative body, and is opposed to the spirit of all free constitutions—because it is opposed to the influence of the people over their Representatives—to the right of instruction, and the right of petition, in not suffering their wishes, instructtons or petitions to be heard or even known. Because its tendency is to withhold from the people all knowledge of the acts of their servants, and to conceal from them all abuses in the public business, and to palm upon the people, without notice, the most ruinous and profligate measures—because it assumes for true, the most detestable claim of tyranny, that the strong, without any other reason, has a right to rule the weak, and there is no security against abuse—because it is opposed to freedom of debate and liberty of speech, and is a gag upon the people's representatives, whose business and duty it is to speak for the people, and in defence of their rights and privileges, and because he apprehends that the rules may be enforced, and the evils consequent thereon will fall on the people.

He further protests, because the adoption of the rule operates as a most objectionable alteration of the rule as adopted by the Senate in 1837, which required a majority of two-thirds to sustain a call for the Previous Question.

And thereupon the Senate adjourned.

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SATURDAY MORNING, Oct. 12, 1839.

Mr. Terry, from the Joint Select Committee appointed to draft rules for the government of the intercourse between the two Branches of the General Assembly, reported that the committee had instructed him to report the following rules, and ask their adoption:

JOINT RULES OF THE TWO HOUSES.

1st. In every case of amendment of a Bill agreed to in one House, and dissented to in the other, if either House shall request upon a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee, such committees shall, at a convenient hour to be named by their Chairman, meet in conference and state to each other verbally, or in writing, as either shall choose, the reasons of their respective Houses, for and against the amendment, and confer freely thereon.

2nd. Messages shall be sent by a clerk.

3rd. When a messenger shall be sent from the Senate to the House of Representatives, he shall be announced at the door of the House by

the door-keeper, and he shall respectfully communicate his message to the chair.

4th. The same ceremonies shall be observed when a messenger is sent from the House of Representatives to the Senate.

5th. All bills on passage between the two Houses shall be under the signature of the clerk.

6th. Bills shall be enrolled by the clerk of the House, or the clerk of the Senate, as the same may have originated in the one or the other House.

7th. The Committee of Enrollment, on Finance, on Banks, and on the Penitentiary, of both Houses, shall be joint committees.

8th. After examination and report, bills shall be signed first by the Speaker of the House of Representatives, and then by the Speaker of the Senate.

9th. When a bill or resolution passed in one House is rejected in the other, notice thereof shall be given to the House, in which it passed.

10th. Each House shall transmit to the other all papers upon which any bill or resolution shall be founded.

11th. All bills which may have passed a third time, shall be engrossed in a fair hand and certified by the clerk of the House in which they may have originated, before being sent to the other.

All of which is respectfully submitted.

S. TERRY, Chairman.

And the sense of the Senate being thereupon had, the said reported rules were concurred with.

Mr. Laughlin introduced

A Bill providing for the appointment of a Commissioner or Commissioners of the State of Tennessee, in any of the United States of America, for the purpose of taking acknowledgment or probate of deeds and other instruments to be recorded in this State, and of taking affidavits to be used or read in evidence in any of the Courts of this State. And

A Bill to authorize aliens to hold, convey, mortgage, lease, demise, and inherit real estate, lands and other property, and for other purposes therein specified.

Mr. Marshall introduced

A Bill to provide for the probate, and resignation of deeds executed beyond the limits of the United States, and for other purposes.

Mr. Yoakum introduced

A Bill to abolish the office of Superintendent of Public Instruction.

Mr. Wheeler introduced a Bill to prevent Grand Juries from making presentments. And a Bill to authorize the selling of spiritous liquors in less quantities than one quart.

Mr. Turney introduced

A Bill to amend the several laws in force in this State, relative to Common Schools and for other purposes

Mr. Reneau introduced a Bill to make it the duty of the Bank to issue small notes, all of which were severally read a first time and passed.

Mr. Wheeler also introduced

A Bill to repeal the office of Geologist, Mineralogist and Assayer for the State of Tennessee, which was read a first time and passed

A message from the House of Representatives by Mr. Crockett their Clerk:

Mr. Speaker: The House of Representatives concur with your resolution directory to the Joint Select Committee, appointed to wait upon his Excellency, Newton Cannon and the Honorable James K. Polk, Governor elect of the State of Tennessee, and for other purposes.—And he withdrew.

Mr. Gillespy submitted the following:

*Resolved*, That an additional Assistant Clerk be appointed by the Senate, and the rule requiring resolutions to lie one day on the table being suspended,

Mr. Brown offered the following in lieu:

*Resolved*, That the principal Clerk of the Senate, appoint a Transcribing Clerk for the Senate when necessary.

Mr. Jones of Hickman, offered the following as an amendment thereto:

*Resolved*, That it shall be the duty of said Assistant or Transcribing Clerk, to transcribe the Journals of the Senate, and place them in a suitable manner for the reception of the Public Printer.

Which being accepted by Mr. Brown, the question was read, "Will the Senate receive the amendment in lieu of the original resolution," and determined in the affirmative—ayes 13; noes 12.

The ayes and noes being demanded, the affirmative voters were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gaines Jennings, Jones of Hickman, Marshall, Sevier, Terry, Walton and Wheeler—13.

The negative voters were

Messrs. Aiken, Coe, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Reneau, Smith, Turney, Warner, Yoakum and Mr. Speaker Love —12.

And so said amendment was accepted. The question then recurred upon the adoption of the said amended resolution, and being thereon had, it was determined in the negative—ayes 11; noes 14.

The ayes and noes being called, the affirmative voters were

Mesers. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Sevier Terry, Walton and Wheeler—11.

The negative voters were

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Reneau, Smith, Turney, Warner, Yoakum and Mr. Speaker Love—14.

And so said amended resolution was rejected.

Mr. Laughlin submitted the following:

*Resolved*, That the standing rules for the government of the Senate be so amended as that, there shall be appointed a Standing Committee to be called the Committee on Federal Relations.

And Mr. Turney the following:

*Resolved by the General Assembly of the State of Tennessee*, That Hugh Gracy, Henry Lyda, David Snodgrass, Madison Fisk and

Jonathan C. Davis, be appointed to view and examine Burk's Turnpike Road leading from Sparta towards Knoxville to the Crab Orchard, and report its present condition, and its condition at the various lines, the manner in which the same has been kept in repairs, or completed as required by the charter, and report the same, as soon as may be, to this General Assembly.

A message from the House of Representatives, by Mr. Crockett their Clerk:

Mr. Speaker: The House of Representatives have adopted a resolution, that the Senate meet them in their Hall on Tuesday, the 15th inst. at 10 o'clock, A. M., for the purpose of electing a Secretary of State.

And then he withdrew. Whereupon, the said message was, on motion of Mr. Coe, ordered to the table.

Mr. Gillespy submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That a Joint Select Committee to consist of three on the part of the Senate, and such number as may be appointed by the House of Representatives be appointed, to which all petitions and other matters pertaining to the Ocoee District may be referred.

And the rule being suspended, thesaid resolution was adopted.

*Ordered*, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Aiken, from the Joint Select Committee to whom was assigned the duty of waiting on his Excellency, Newton Cannon, and inform him of the election of the Honorable James K. Polk to the office of Governor of Tennessee, and that it is the pleasure of the General Assembly to inaugurate him on Monday next, and to request the pleasure of his attendance on that occasion, reported that the committee have performed the duty assigned them, and have to report for answer of his Excellency, that he will be present; said committee ask leave further to report, that they have engaged the Presbyterian church in this city for the occasion. All of which is respectfully submitted.

JOHN A. AIKEN, Chairman.

Said report was concurred with.

*Ordered*, That the clerk acquaint the House of Representatives therewith.

Whereupon, after the lapse of a few moments, a message of concurrence was received from the House of Representatives by Mr. Crockett their clerk.

Then the Senate adjourned.

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MONDAY MORNING, Oct. 14, 1839.

A message from the House of Representatives by Mr. Crockett, their Clerk:

Mr. Speaker: The House of Representatives have adopted a resolution appointing a joint select committee to take into consideration the memorial of the president and directors of the La Grange and Memphis Railroad Company.

And then he withdrew. Whereupon, the said message was, on motion of Mr. Gillespy, ordered to the table.

Mr. Warner presented the petition of several citizens of Marshall county, praying that the clerks of the county and circuit courts of said county be elected at the same time that similar officers are elected in other counties of the State.

Which was read and ordered to the table.

The Speaker appointed Messrs. Gillespy, Terry and Coe to be of the committee on the part of the Senate, on Mr. Gillespy's resolution proposing a joint committee, to whom all petitions and other matters pertaining to the Ocoee District shall be referred.

The following communication was received from his Excellency N. Cannon:

*Gentlemen of the Senate:* In compliance with your resolution of the 11th inst. I have the honor to state, that there is not in my possession, or in the Executive Department, or ever has been, a copy of the correspondence between the Hon. Hugh L. White and myself, touching his resignation as Senater in Congress. No copy of the same has ever been taken, nor is his letter to me on that subject in my possession or in the Executive Department—it having been returned to him by his request, a short time after it was received. I have kept no memorandum.

The following are the Standing Commitiees this day appointed by the Speaker, to wit:

Committee on Privileges and Elections—Messrs. Brown, Jennings, Yoakum, Reneau and Wheeler.

Committee on Ways and Means—Messrs. Frey, Sevier, Walton, Balch and Smith.

Committee on Finance—Messrs. Jones of Lincoln, Marshall, Gillespy, Ashe, Laughlin and Coe.

Committee on Claims—Messrs. Warner, Jones of Hickman, Gaines, Terry and Hardwicke.

Committee on Education and Common Schools—Messrs. Aiken, Turney, Yoakum, Frey and Ashe.

Committee on the Judiciary—Messrs. Laughlin, Marshall, Jones of Lincoln, Gillespy, Aiken, Coe and Brown.

Committee on Internal Improvements—Messrs. Gillespy, Turney, Wheeler, Jones of Hickman, Walton, Ashe and Coe.

Committee on Military Affairs—Messrs. Anderson, Jones of Hickman, Smith, Terry and Sevier.

Committee on New Counties and County Lines—Messrs. Turney, Warner, Aiken, Walton, Laughlin and Jennings.

Committee on Public Lands—Messrs. Yoakum, Ashe, Coe, Terry, Gillespy, Smith and Jones of Lincoln.

Committee on the Penitentiary—Messrs. Hardwicke, Anderson, Jennings, Aiken and Ashe.

Committee on Banks—Messrs. Coe, Ashe, Laughlin, Jones of Lincoln, Aiken, Gillespy, Jennings, Turney and Anderson.

Committee on Enrolled Bills—Messrs. Ashe, Reneau and Smith.

On motion of Mr. Laughlin, it was Ordered, that one hundred copies of the foregoing be printed for the use of the Senate.

Mr. Speaker Love presented the report of the president of the Branch Bank of Tennessee at Rogersville, which was read, and on motion of Mr. Laughlin, referred to the committee on Banks.

Mr. Speaker Love also presented a communication from Felix Robertson, Physician to the Penitentiary, which was also read and referred to the committee on that subject.

A message from the House of Representatives, by Mr. Crockett their clerk.

Mr. Speaker: I am directed to deliver to the Senate, the petition of sundry citizens of Jefferson county, asking Legislative aid and encouragement to the growth and cultivation of silk in the State of Tennessee.

And then he withdrew. Ordered, that the said petition be laid on the table.

A Bill to amend an act entitled "An act to reform and amend the penal laws of the State of Tennessee," passed December 9, 1829.

A Bill providing for the appointment of a Commissioner or Commissioners of the State of Tennessee, in any of the United States of America, for the purpose of taking acknowledgement or probate of deeds, and other instruments to be recorded in this State and for taking affidavits to be used or read in evidence, in any of the Courts of this State. And

A Bill to authorize aliens to hold, convey, motgage, lease and inherit real estate, lands and other property, and for other purposes, were severally read and referred to the Committee on the Judiciary.

A Bill to abolish the office of Superintendent of Public Instruction, was on a motion of Mr. Yoakum, referred to the Committee on Education and Common Schools.

A Bill to authorize James Vaughn and James Ghormly to open and keep up a Turnpike Road, was referred on motion of Mr. Gillespy, to the committee on Internal Improvements.

Mr. Turney's resolution of Saturday last appointing commissioners to view and report upon Burk's Turnpike Road, was taken up, read and adopted.

*Ordered*, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

A message from the House of Representatives by Mr. Crockett, their clerk.

Mr. Speaker: I am directed to inform the Senate, that the House of Representatives are now ready to receive them in their Hall, for the purpose of inaugurating the Honorable James K. Polk, the Governor elect of the State of Tennessee, in accordance with the provisions of a resolution heretofore adopted by both Houses of the Legislature.

And then he withdrew. Whereupon the Speaker and Gentlemen of the Senate repaired to the Hall of the House of Representatives, and thereupon the General Assembly proceeded in procession to the Presbyterian church in this city, where the business of the day was opened with prayer by the Rev. R. B. C. Howell. His Excellency N.

Cannon, then delivered his valedictory, after which the Hon. James K. Polk delivered his Inaugural Address. The several oaths required by the Constitution and laws of the State were severally administered by Thomas Maney, Esq. one of the Circuit Judges of this State. The business of the day being closed by prayer from the Rev. Bishop Andrew, the two branches of the General Assembly returned in procession to the Hall of the House of Representatives, and thereupon the Speaker and Gentlemen of the Senate repaired to their own chamber.

And then the Senate adjourned.

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TUESDAY MORNING, Oct. 15, 1839.

Mr. Terry presented the momorial of sundry citizens of Hamilton county, praying that the seat of justice may be removed from Dallas to Vanville, in said county, which was read and on his motion referred to the committee on new counties and county lines,

Mr. Yoakum introduced

A Bill to repeal the second section of an act entitled An act to extend the corporation of the town of Murfreesborough, passed 26th of December, 1837.

Mr. Gillespy introduced

A Bill to extend the benefits of the first section of the act of 1829, chapter 40, to certain purchasers of land in the Hiwassee District, and

A Bill for the benefit of James Brown, of Monroe county, and

A Bill for the relief of Eli Cleveland of Monroe county.

All of which were read a first time and passed.

The message yesterday from the House of Representatives, appointing a joint select committee to take into consideration the memorial of the President and Directors of the La Grange and Memphis Railroad Company, was taken up, read and concurred with.

The Speaker appointed Messrs. Coe, Turney and Aiken to be of said Committee on the part of the Senate.

A Bill to remove the Branch of the Bank of the State of Tennessee from Clarksville to the town of Sparta, in White county, was, on motion of Mr. Frey, referred to the committee on banks.

Mr. Yoakum submitted the following:

*Resolved*, That a select committee of three be appointed to visit the Lunatic Assylum and examine the same, and that they report, as soon as practicable, the amount of monies expended upon said institution both by the State and by individuals, the present state of the building, what further appropriations (if any) will be necessary for the admission and management of lunatics, and the general government of said institution:

And the rule being suspended, said resolution was adopted.

The Speaker appointed Messrs. Yoakum, Brown and Sevier said committee.

On motion of Mr. Hardwicke, Ordered, that Mr. Ashe be excused

on account of bad health, from acting as Chairman on Enrollments, and that Mr. Reneau act as Chairman of said committee.

The resolution heretofore submitted by Mr. Laughlin, proposing an amendment to the standing rules of the Senate, providing for the appointment of a standing committee on Federal Relations, was taken up and read.

Mr. Brown moved to amend the same by substituting the words "school lands, public lands and taxation on salt," in lieu of the words "federal relations."

And thereupon the question was had, Will the Senate receive the amendment? and determined in the negative—ayes 11, noes 14. The ayes and noes being demanded constitutionally by Mr. Brown, the affirmative voters were,

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier, Terry and Walton—11.

Those who voted in the negative were,

Messrs. Aiken, Balch, Coe, Gillespie, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Love—14.

And so said amendment was rejected.

Mr. Anderson thereupon moved to lay the original resolution upon the table, and the question being thereon had, it was determined in the negative—ayes 11, noes 14.

The ayes and noes being demanded constitutionally by Mr. Anderson, the affirmative voters were,

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall Reneau, Sevier, Terry and Walton—11.

The negative voters were,

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Love—14.

And so said proposition was rejected. The question then recurred upon the adoption of the original resolution, and being thereon had, it was determined in the negative—ayes 12, noes 13.

The ayes and noes being constitutionally demanded, those who voted in the affirmative were,

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Yoakum and Mr. Speaker Love, 12.

Those who voted in the negative were,

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Jones of Hickman, Marshall, Reneau, Sevier, Terry, Walton and Wheeler—13.

And so said resolution was rejected.

Mr. Yoakum submitted the following:

*Resolved*, That the Senate meet the House of Representatives on Friday next for the purpose of electing a Secretary of State, and also for the purpose of electing a Judge of the Sixth Judicial Circuit of the State of Tennessee.

And the rule being suspended, said resolution was adopted.

*Ordered*, That the Clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Turney introduced

A Bill to give to the several counties in this State the fines and forfeitures arising from prosecutions for misdemeanors.

Mr. Marshall introduced

A Bill to authorize the county courts to purchase and hold sites for offices for clerks of the county courts and other county officers.

Which were severally read a first time and passed.

On motion of Mr. Hardwicke, the bill to repeal a part of an act passed 1762, in relation to apprentices, was referred to the committee on the judiciary.

Mr. Turney submitted the following:

*Resolved*, That the Judiciary committee take into consideration the expediency of condensing the Chancery courts, or of making a fourth division or district from the Eastern and Middle divisions. And also the expediency of so changing and altering the Circuit courts, that they hold their terms twice in the year. Also, the propriety of so altering the terms of the County courts, that they shall hold but four sessions in the year.

And Mr. Jones of Lincoln the following:

*Resolved*, That the President of the Bank of Tennessee be requested to communicate to the Senate the amount of the salary paid by the bank to the president, cashier and other officers of said Principal Bank, and also the amount of the salary paid by said bank to the respective presidents, cashiers and other officers of each respective branch.

*Resolved*, That the President of the Bank of Tennessee be also requested to communicate to the Senate whether there has been purchased by the bank or any of its branches, any lot or lots on which to erect a house or houses for the use of said bank or branches: and also whether any such house or houses have been built or are being built, and if such house or houses have been built or are now being built, what is the cost or the probable cost of such house or houses respectively.

Mr. Jones of Hickman moved a reconsideration of the vote rejecting the resolution proposing an amendment to the standing rules of the Senate, providing for the appointment of a standing committee to be called the committee on Federal Relations.

And thereupon the question was had and determined in the affirmative—ayes 13, noes 12.

The ayes and noes being constitutionally demanded, the affirmative voters were,

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Yoakum and Mr. Speaker Love—13.

The negative voters were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier, Terry, Walton and Wheeler—12.

And so said motion prevailed. Whereupon the said resolution was

put upon its adoption, and the question thereon being had, it was determined in the affirmative;—ayes 13; noes 12.

The ayes and noes being demanded constitutionally, those who voted in the affirmative were

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Yoakum and Mr. Speaker Love—13.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier, Terry, Walton and Wheeler—12.

And so said resolution was adopted.

The Speaker appointed Messrs. Laughlin, Reneau and Coe said committee.

A message from the House of Representatives by Mr. Crockett, their clerk.

Mr. Speaker: The House of Representatives concur with the Senate's resolution appointing a Joint Select Committee, to which shall be referred all petitions and other matters relating to the Ocoee District, and have appointed on their part, Messrs. Standifer, Walker of McMinn, McMillan, McAmy, Wan, Hembree and Rankin, to be of said committee. They also concur in the Senate's resolution appointing commissioners to view and examine Burk's Turnpike Road.

And then he withdrew.

And thereupon the Senate adjourned.

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Wednesday Morning, Oct. 16, 1839.

Mr. Terry presented the memorial of sundry citizens of this State, in relation to a charter granted by the General Assembly to construct a rail road from Ross's Landing to the southern boundary of the State, which was read and referred to the committee on Internal Improvements.

Mr. Terry also presented the petition of Thomas Shirley, in relation to the N. E. fractional section 32, fractional township 4, range 3, west of the base line in the Ocoee District, which was read, and on his motion referred to the committee on New Counties and County Lines.

Mr. Gillespy from the committee on Internal Improvements, to whom was referred a bill to authorize James Vaughn and James Ghormly to open and keep up a turnpike road, reported that the committee have had the same under consideration, had instructed him to report an amendment thereto, and with the amendment, to recommend its passage; the said amendment being received, the bill was put upon its third reading and the question being had, "Shall the bill pass?" it was determined in the affirmative—ayes 23; nays 2.

The ayes and nays being required constitutionally, the voters in the affirmative were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Frey, Gaines, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin,

Marshall, Reneau, Sevier, Smith, Terry, Turney, Walton, Wheeler, Yoakum and Mr. Speaker Love—23.

Those who voted in the negative were

Messrs. Coe and Warner—2.

And so said bill passed its third and last reading in the Senate, was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Speaker Love presented the petition of the members of the Baptist State Convention, now in session in the city of Nashville, against the repeal of an act passed at a previous session, "commonly called the Tippling Act," which was read and on motion of Mr. Smith, ordered to the table.

A Bill to authorize the County Courts to purchase and to hold sites for offices for clerks of the county courts and other officers, was read a second time and passed.

Mr. Frey submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That the joint select committee to whom was referred the report of the Secretary of State, with its accompanying proposals for the printing of the laws, joint resolutions and journals of both Houses of the General Assembly, be instructed to examine and report upon any proposals made to said committee, which are made agreeable to the provisions of the act passed the 19th Feb. 1836; notwithstanding they were not sealed and filed with the Secretary of State.

And the rule being suspended, said resolution was adopted.

*Ordered*, That the Clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Hardwicke submitted the following:

*Resolved*, That the two Houses of the General Assembly do, on Friday next, proceed to the election of an Attorney General for the 7th Judicial Circuit in this State.

And the rule being suspended, the said resolution was put upon its adoption, and the question thereon being had, it was determined in the negative—yeas 11; nays 14.

The yeas and nays being demanded, the affirmative voters were

Messrs. Andersen, Ashe, Coe, Frey, Gaines, Hardwicke, Jones of Lincoln, Laughlin, Smith, Warner and Yoakum—11.

The negative voters were

Messrs. Aiken, Balch, Brown, Gillespy, Jennings, Jones of Hickman, Marshall, Reneau, Sevier, Terry, Turney, Walton, Wheeler and Mr. Speaker Love—14.

And so said resolution was rejected.

A Bill to repeal the second section of an act, entitled An act to extend the corporation of the town of Murfreesborough and for other purposes, passed the 26th Dec. 1837, was read a second time and passed.

Mr. Jones of Lincoln's resolution of yesterday, directory to the President of the Bank of Tennessee, was taken up and read. Mr. Turney offered the following amendment thereto, to wit:

And whether the principal Bank authorized the branches to build

such banking houses, and upon what authority such houses have been built or lots purchased.

The said amendment was received, and the resolution as amended, adopted.

Mr. Gillespy submitted the following:

*Resolved*, That the committee on the judiciary, be instructed to inquire into the expediency of providing by law for the binding in boards of a certain number of the acts, public and private, and of the journals of each House of this General Assembly, now in the office of the Secretary of State, and that said committee report by bill or otherwise.

Mr. Marshall introduced,

A Bill to amend an act, entitled an act, more effectually to subject property in this state belonging to non-residents, debtors, to the payment of their debts due citizens of this and other States, passed 15th Feb. 1836, which was read a first time, passed and referred to the committee on the Judiciary. And

A Bill to prevent Grand Jurors from making presentments, was on motion of Mr. Wheeler, referred to the committee on the Judiciary.

On motion of Mr. Turney,

*Ordered*, That Mr. Terry be added to the committee on Banks.

Mr. Reneau, from the committee on enrollments, reported as correctly enrolled it, A resolution appointing commissioners to view Burk's turnpike road. The Speaker of the Senate signed said enrolled, resolution, and ordered to be transmitted to the House of Representatives.

Mr. Brown introduced,

A Bill to create an additional branch of the Bank of Tennessee, which was read a first time and passed. And

A Bill to amend the several laws in force in this State, relative to common schools, was on motion of Mr. Turney, referred to the committee on Education and Common Schools. And

A Bill for the relief of Eli Cleveland, of Monroe county. And

A Bill to extend the benefits of the first section of the act of 1829, chapter 40, to certain purchasers of land in the Hiawassee District, were referred on motion of Mr. Gillespy to the Committee on Claims.

Mr. Gaines submitted the following:

*Resolved*, That so much of the Governor's message as related to Banks and the currency, be referred to the Committee on Finance.

That so much as relates to education, be referred to the Committee on Education and Common Schools.

That so much as relates to the subject of Internal Improvement, be referred to the committee on that subject.

That so much as relates to the State Bank and the location of the branches, be referred to the Committee on Banks.

That so much as relates to the State bonds, be referred to the Committee on Internal Improvements.

That so much as relates to the Penitentiary, be referred to the Committee on the Penitentiary.

That so much as relates to the amendment and revision of the militia laws, be referred to the Committee on Military Affairs.

That so much as relates to standard weights, be referred to the Committee of Ways and Means.

That so much as relates to a connexion of the Tennessee and Big Hatchie by means of a canal, be referred to the Committee on Internal Improvements.

The Speaker appointed Messrs. Laughlin, Reneau and Coe, the Committee on Federal Relations.

Mr. Jones of Hickman, introduced

A Bill to repeal part of an act passed the 11th day of January, 1838, entitled an act to distribute one hundred thousand dollars amongst the several counties in Middle Tennessee, and for other purposes. And also

A Bill to repeal part of an act passed the 19th day of Jan. 1835, entitled an act to establish a State Bank to raise a fund for Internal Improvement, and to aid in the establishment of a system of education, both of which were severally read a first time and passed; and referred to the Committee on Internal Improvements.

The Speaker presented the following supplemental report from Daniel Graham, Esq. Comptroller of the Treasury:

*To the General Assembly*
*of the State of Tennessee:*

On examining my report of the 9th inst. as printed, I find that in the specification of the miscellaneous receipts a few important items were not set down in their appropriate places. This omission occurred with myself in transcribing the amount from my books, and not with the Printer, as I at first thought in reading the report as published.

The items omitted are

| | | | |
|---|---|---|---|
| Union Bank, interest on U. S. deposites | to 1st. Jan. 1838, | $20,352 | 00 |
| do. do | to 1st. July 1838, | 19,078 | 82 |
| Planter's Bank do | to 1st. Jan. 1838, | 15,543 | 68 |
| do do | to 1st. July 1838, | 16,308 | 66 |
| Memphis do | to 1st. Jan. 1838, | 863 | 66 |
| Yeatman, Woods & Co's. Bank tax for | 1837, | 500 | 00 |
| do do for | 1838, | 500 | 00 |
| | | $73,146 | 82 |

The omission occurred only in the specification, and the sum total is correct in the original report.

Respectfully submitted,

Comptroller's Office, Oct. 16, 1839.

DANIEL GRAHAM.
Comptroller of the Treasury.

A message from the House of Representatives, by Mr. Crockett, their Clerk:

Mr. Speaker: The House of Representatives concur with your resolution directory to the joint select committee, to whom was referred the report of the Secretary of State with its accompanying documents. They also concur with your resolution proposing to go into the election of Judge for the Sixth Judicial Circuit on Friday next. They have adopted a resolution appointing a joint select committee on the subject of tippling houses. And a resolution to appoint a joint select commit-

tee, to take into consideration the propriety of giving legislative aid to the growth and culture of silk in the State of Tennessee, in which they ask your concurrence.

And then he withdrew. Whereupon, the said first resolution was read and concurred with, and the last mentioned resolution ordered to the table.

*Ordered*, That the Clerk acquaint the House of Representatives therewith.

Mr. Laughlin submitted the following preamble and resolutions:

WHEREAS, It has been customary on various public occasions heretofore with the General Assembly of the State of Tennessee, to express its opinions in relation to the selection of candidates for high national offices; and in times like the present, when the importance of unanimity in the Democratic party is felt throughout the Republic; and taking into view at the same time, that the period is rapidly approaching when the action of public sentiment will be called forth on this subject from every quarter of the Union, and believing that much must always depend for the success of all great and essential principles upon the characters and qualifications of the persons and functionaries chosen to sustain them:

We, the Representatives of the people of the State of Tennessee, in strict conformity with Republican usage, deem the present a fit occasion to present our views and to offer for the consideration and approbation of the American people, the names of two of the most distinguished men of the nation as candidates for the elevated stations of President and Vice President of the United States.

In taking this step, we think it proper and respectful to state briefly and distinctly the causes which have actuated us, and which, we doubt not, will animate the Democracy of the whole country. To fully understand our position, however, it may not be improper to take a retrospect of the history of the public action in the selection of candidates.

At the formation of the Federal Constitution in 1787, and upon its ratification in 1788, it was a matter of course that the public eye should have been almost singly directed to the Father of his Country as the most suitable person upon whom to devolve the mighty task of putting our system of Government into practical operation. The universal concentration of public opinion and confidence needed no primary action of the people, or secondary direction to produce concert and harmony. The glorious Revolution, and our signal passage from a state of colonial dependence to the dignity of a free and independent nation, had been conducted and achieved mainly by the consummate skill and wisdom of that great and good man; and his person and services had become identified with the most cherished recollections and affections of every American citizen. When he had closed his administration, although a contrariety of views had sprung up between distinguished individuals in relation to the financial and foreign policy of the country, no party lines and names were distinctly drawn; and his successor, who had been a man of the Revolution, was given prece-

dence rather by concession to his seniority than to any special political considerations. In the next four years, however, we find that those original differences of opinion had grown into wider distinctions, and when a new election for President was to take place, Virginia and Pennsylvania took decisive ground and adopted concert of action in favor of the Democratic party. The result of this was, the election of Thomas Jefferson, the great apostle of Republican doctrines, which had made their appearance and won the public confidence under the then current discussions and enlightened interpretations of our wise constitution. During his administration the country was distinctly divided into the Federal and Republican parties. His successor, the pure, enlightened and accomplished Madison, was designated as a candidate by the concerted expression of the opinions of the Democratic members of Congress. James Monroe, who came into power after Mr. Madison's retirement, was also nominated as a candidate by a meeting of the Democratic Senators and Representatives in Congress. Up to this period, this seems to have been the acknowledged usage of the party. With the increase, however, of years and population, and the remarkable conflicts and trials through which our country had passed in the field and cabinet, and especially in the second war of independence, several distinguished citizens appeared to have rendered themselves almost equally prominent, and the general sentiment prevailing among the people, indisposed them to adopt the former method of designating candidates for the two first offices of the nation, and have their primary assemblies and legislative action, in the form of nominations and resolutions for the purpose of fairly presenting the claims of different candidates.

In pursuance of this change of popular action, the General Assembly of Tennessee nominated our distinguished fellow citizen Andrew Jackson. Kentucky and Massachusetts, it is believed, adopted a similar course in relation to their favorite statesmen, while a portion of the Democratic party adhered to the old system. From that time down to the present, we have pursued a similar course, occasionally bearing in mind, and varying the procedure, according to circumstances, when the necessity of the crisis seemed absolutely to demand it, the propriety of resorting in practice to the additional republican expedient of some general measure for securing unanimity and national concert.—In this course public opinion seems to have fully acquiesced, and to have sactioned nominations made by the members of the General Assembly as one of the approved auxiliary modes of primary action.

Upon reviewing the various expedients which have been adopted in order to present fully and fairly before the public the claims of distinguished individuals for the exalted stations of President and Vice President, no better and no less objectionable method than that already sanctioned by long established republican usage, is likely ever to obtain or to become more proper or available.

The Opposition with whom we have to contend, have resorted to every possible expedient to impress their opinions successfully upon the public, and to produce groundless prejudices against the Democrat-

ic party. They are preparing every where for the contest in the Presidential election of 1840; and here, in this city, in our presence, and under the very roof that covers our present deliberations as the Representatives of the sovereign people of Tennessee, they have been arraying themselves for battle and intimidation, and putting forth the most inflammatory attacks upon our most cherished principles and our most highly esteemed public men. The time for action, therefore, on our part has arrived. We have waited in the delusive hope that a less excited state of public feeling would succeed the animated struggle through which we have just passed, but we have waited in vain. The first notes of our late victory—the victory of our principles—were followed not by notes of peace and reconciliation from our opponents, but by a boasted parade of party strength, and open indications of preparation, defiance and war. If in this state of things we were to fold our arms, and tamely and submissively look upon the political pageants which are being enacted around us, and over the wide theatre of the Union, we should be recreant to our professed principles, and richly deserve the disaster of defeat. We fully believe that the great mass of our fellow citizens who opposed us in the recent struggle in this State are Republicans, but that they were misled by their leaders in whom they had placed confidence, and who once belonged to the Republican ranks, but now act in concert with the Federal party of this State.

In this crisis, we believe it proper and urgently demanded of us by our present peculiar position, that we should announce to the nation—to our democratic brethren of the Union—the names of those distinguished men whom we would cordially and respectfully recommend to our countrymen as candidates for the two highest offices known to the Constitution.

For re-election to the Presidency of the United States we would present the name and claims of MARTIN VAN BUREN. His long established character as a Democratic Republican, the signal ability and integrity with which he has administered the Government in its domestic and federal relations, which have been of the most peculiar, delicate and embarrassing nature, entitle him most fully and unqualifiedly in our candid judgment, to the support of the American people.

For election to the Vice Presidency, we should at the same time, with all due respect to the claims and services of other distinguished men of the republican party, and with a firm determination not to separate from our Democratic friends of other States in the election, present the name and claims of JAMES K. POLK. While it is with sincere regret we would forego his services as Governor of Tennessee, we act and present his name under the solemn conviction that no other man of the Democratic party could unite with so near an approach to unanimity, in conjunction with Martin Van Buren, the true friends and advocates of Democratic principles throughout the Republic. He has already been nominated in numerous primary assemblies of the people, the tone of the public press over the whole nation indicates the strong feeling which is moving in his favor—and in the present great emer-

gency of our political affairs, we hold it to be a paramount duty which we owe to the noble cause for which we have long and again successfully contended, to resign him to the free choice of our countrymen, if it should be the wish of the Democracy of the Union to call him to a higher service. Under ordinary circumstances we should not feel disposed to forego the aid of his experience and great abilities, but our opponents already declare they are a majority of the people, and are actually engaged in devising the means by which to array their whole numerical strength against us, leaving us no choice but to resist or surrender. We on our parts as firmly believe that the great body of the voters are Democratic Republicans, and that his nomination will give augmented energy, activity and vigor to the Republican cause. It is proper also to declare that we believe within the period during which he will continue to administer the State Government, our public affairs will be wisely rectified, and so improved that the task of his successor should he be elected to the Vice Presidency, will be plain and easy. Of his past services and present eminent qualifications, it is scarcely necessary to speak. The whole history of his public life, is intimately identified with the prosperity of the country and the preservation of her republican institutions and principles; and that which in after times will appear almost like a tale of romance, he has actually achieved by his arduous and irresistable efforts to enlighten the public mind. The delusion which had been dexterously spread over our fair and heroic State, has been dispelled forever, and now instead of taking our stand by the side of old Federal Massachusetts, as has been fondly hoped and designed by some, we stand erect upon the freehold of constitutional democracy, side by side with ancient Pennsylvania, the Keystone of the Arch of the Union. Therefore

*Resolved by the General Assembly of the State of Tennessee*, That MARTIN VAN BUREN be recommended to the people of the United States for re-election, and as a man eminently qualified to fill the office of President.

*Resolved*, That JAMES K. POLK be recommended to the people of the United States as a man eminently qualified to fill the office of Vice President.

*Resolved*, That in giving a fair and honorable support to the foregoing recommendations, we will in no event separate from a majority of our republican friends of other States, but will harmoniously unite in supporting any such candidate for those high offices as may be selected and approved, by any concert of action, by the great democratic republican party of the Union.

On motion, the Senate adjourned.

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THURSDAY MORNING, Oct. 17, 1839.

Mr. Terry submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That the 10th article and 4th section of the constitution be so amended, that

Bledsoe and Marion counties shall come under the general provision of the constitution in forming new counties.

On motion of Mr. Coe,

*Ordered*, That Mr. Warner be added to the committee on Banks.

Mr. Gaines's resolution of yesterday, referring various parts of the late Governor's message to appropriate committees, was taken up and read. Mr. Yoakum moved the following amendment thereto, to wit:

That so much of said message as relates to the mal-administration of the present rulers of the general Government, be referred to the committee on Federal Relations. Said amendment was accepted, and the resolution as amended was adopted.

Mr. Warner introduced the following:

A Bill to require clerks, registers, and other officers of Marshall county, to be elected on the same days as in other counties in this state, which was read a first time, passed and referred to the committee on the judiciary. And

A Bill to repeal the second section of an act entitled an act to extend the corporation of the town of Murfreesborough, passed the 26th Dec. 1837, was read the third time, passed, and ordered to be enrolled and transmitted to the House of Representatives. And

A Bill to authorize the county courts to purchase and hold sites for offices for clerks of the county and other county officers, was taken up and read, and the question, "shall the bill pass," being thereon had, it was determined in the affirmative, yeas 16; nays 6.

The yeas and nays being required, those who voted in the affirmative were

Messrs. Anderson, Brown, Coe, Frey, Gaines, Gillespy, Jones of Lincoln, Marshall, Smith, Terry, Walton, Warner, Wheeler, Yoakum, Laughlin and Mr. Speaker Love—16.

Those who voted in the negative were,

Messr. Aiken, Balch, Hardwicke, Jones of Hickman, Sevier and Terry—6.

Mr. Turney submitted the following:

*Resolved*, That the Secretary of State report to the Senate, a statement of the subscriptions made by the State, for stock in turnpike roads under the provisions of the act of 1838; and that he report to what road or river, and to what amount thereof to any or each road and river.

And the rule being suspended, said resolution was adopted.

Mr. Laughlin moved the Senate to take up the preamble and resolutions submitted by him on yesterday, nominating Martin Van Buren and James K. Polk, as candidates for President and Vice President of the United States, and thereupon the question was had, and determined in the affirmative, yeas 16; nays 8.

The yeas and nays being demanded constitutionally by Mr. Jones of Hickman, the affirmative voters were,

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Marshall, Smith Turney, Walton, Warner, Wheeler, Yoakum and Mr. Speaker Love—16.

The negative voters were

Messrs. Ashe, Anderson, Brown, Frey, Gaines, Jones of Hickman, Sevier and Terry—8.

And so said preamble and resolutions were taken up.

Mr. Turney thereupon moved to lay the preamble and resolutions upon the table, and make them the order of the day for Tuesday next.

Mr. Marshall moved to amend the proposition of Mr. Turney, by adding thereto, And that fifty copies thereof be printed for the use of the Senate; and the question thereon being had, was determined in the negative; yeas 9; nays 15.

The yeas and nays being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Sevier and Walton—9.

Those who voted in the negative, were

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Smith, Terry, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Love—15.

And so said amendment was rejected.

Mr. Turney thereupon withdrew his motion to lay on the table, and make them the order of the day for Tuesday next, which motion was renewed by Mr. Marshall.

Mr. Jennings then moved an adjournment, which motion was lost.

The question then recurred upon Mr. Marshall's motion to lay upon the table, and make them the order of the day for Tuesday next, and being thereon had, it was determined in the negative, yeas 10; nays 14.

The yeas and nays being demanded, those who voted in the affirmative were

Messrs, Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Sevier, Terry and Walton—10.

Those who voted in the negative, were

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Love—14.

And so said motion was lost.

The preamble and resolutions were then read.

Mr. Brown thereupon offered the following amendment thereto, to wit:

*Resolved*, Also. that Col. Richard M. Johnson of Kentucky, is eminently qualified for the office of Vice President, and that we have undiminished confidence in his patriotism, integrity and ability.

Mr. Warner moved to lay said amendment on the table, and the question thereon being had, it was determined in the affirmative, yeas 14; nays 8.

The yeas and nays being demanded, the affirmative voters were

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Love—14. The negative voters were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Marshall, Sevier and Terry—8.

And so the said amendment was ordered to the table.

Mr. Terry moved to strike the preamble from the resolutions, and the question thereon being had, it was determined in the negative; yeas 8, nays 14.

The yeas and nays being demanded, the affirmative voters were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Marshall, Sevier and Terry—8.

The negative voters were

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Love—14.

And so said motion was rejected.

Mr. Ashe offered the following as an amendment to the 22d Resolution, to wit:

And while this General Assembly expresses the preference of the Democracy of Tennessee for their own distinguished fellow citizen, they entertain undiminished respect and confidence in the Hon. Richard M. Johnson of Kentucky.

And the sense of the Senate being thereon had, the said amendment was rejected.

Mr. Terry moved to amend the second resolution by striking therefrom the name of James K. Polk, and inserting in lieu thereof the name of Gen. Wm. Carroll.

And the question being had thereon, it was determined in the negative—ayes 10, noes 14.

The ayes and noes being constitutionally demanded, those who voted in the affirmative were,

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Sevier, Terry and Walton—10.

The negative voters were,

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Love—14.

And so said amendment was rejected.

Mr. Jennings thereupon offered the following:

*Resolved*, That so much of the preamble and resolutions now under consideration, as relates to the nomination of the Hon. James K. Polk for the Vice Presidency, be laid upon the table and made the order of the day for Thursday next.

Mr. Laughlin moved to lay the proposition upon the table indefinitely. And thereupon the question was had and determined in the affirmative—ayes 14, noes 10.

The ayes and noes being demanded constitutionally the affirmative voters were,

Messrs. Aiken, Balch, Coe, Gillespie, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Love—14.

Those who voted in the negative were,

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall Sevier, Terry and Walton—10.

And so said motion prevailed.

Mr. Anderson thereupon moved the indefinite postponement of the said preamble and resolutions; and thereupon the question was had and determined in the negative—ayes 10, noes 14.

The ayes and noes being demanded, the affirmative voters were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Sevier, Terry and Walton—10.

The negative voters were,

Messrs. Love, Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Wheeler, Warner and Yoakum—14.

And so said motion was rejected.

Mr. Brown then offered the following amendment, to wit:

Strike out the name of James K. Polk and insert the name of Wm. R. King, of Alabama.

Mr. Turney moved a division of the proposition, so as to take the sense of the Senate, first, on striking out.

Which motion being sustained, the question was had, Will the Senate strike out? and determined in the negative—ayes 10, noes 14.

The ayes and noes being demanded the affirmative voters were,

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Sevier, Terry and Walton—10.

Those who voted in the negative were,

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Love—14.

And so the motion to strike out was rejected.

The question then recurred upon the adoption of the preamble and resolutions, and being thereon had, it was determined in the affirmative—ayes 14, noes 10.

The ayes and noes being demanded, the affirmative voters were,

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Love—14.

The negative voters were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Sevier, Terry and Walton—10.

And so said preamble and resolutions were adopted.

*Ordered*, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Jennings presented the report of Matthew Watson, President of the Planters Bank of Tennessee, showing the condition of said Bank, on the first July last, and also its condition up to this day.

Mr. Gillespy submitted the following:

*Resolved*, That so much of the late Governor's message as relates to the "wild financial and pernicious train of experiments, the mal-ad-

ministration, abuses and spoliations by the General Government," be referred to the committee on Federal Relations.

Mr. Turney's resolution of the 15th inst. directory to the committee on the judiciary in relation to the expediency of condensing the Chancery Courts and for other purposes, was taken up and read, and on motion of Mr. Jones of Hickman, amended by requiring said committee to enquire into the expediency and propriety of abolishing said Chancery Courts.

The said resolution, as amended, was adopted.

And thereupon the Senate adjourned.

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FRIDAY MORNING, Oct. 18, 1839.

Mr. Gillespy presented the petition of John Moses in relation to a tract of land in the Ocoee District, which was ordered, on motion of Mr. Gillespy, to be referred to the committee on claims.

Mr. Frey, from the joint select committee to whom was referred the different proposals for printing the laws, joint resolutions and journals passed at the present session of the General Assembly, reported that the committee have had the subject under consideration, and had instructed him to report the following resolution and to ask its adoption:

*Resolved by the General Assembly of the State of Tennessee,* That the proposals of Lawson Gifford be accepted upon the following terms: The composition on the journals to be of small pica type, as the law directs, at seventy-five cents per 1000 ems for plain matter, or $1 14½ cents per page—a page consisting of 1537 ems, which for every eight pages of composition of plain matter, amounts to $9 26.

For press-work 75 cents per token.

The law requiring the pages to be octavo, will make every eight pages, or 500 copies of the same, cost $10 76.

For rule *or* figure work, fifty per cent will be added.

For rule *and* figure work, one hundred per cent will be added.

For paper, the paper maker's prices per ream will be charged. The binder's bill will alone be added.

Also, that he enter into bond with approved security, for the faithful performance of his duty, in the sum of five thousand dollars, conditioned as the law directs. All of which is respectfully submitted.

H. FREY, Chairman.

Said report was read and concurred with.

Mr. Ashe, from the committee on enrollments, reported as correctly enrolled, A Bill to authorize James Vaughn and James Ghormley to open and keep up a turnpike road.

On motion of Mr. Laughlin, the message of yesterday from the H. of Representatives, proposing the appointmeot of a joint select committee to wait upon his Excellency James K. Polk, and inform him that the General Assembly are now ready to receive any communication he may wish to make them, was taken up, read and concurred with.

The Speaker appointed Messrs. Laughlin, Terry and Coe to be of said committee on the part of the Senate.

The resolution heretofore submitted in relation to the employment of an additional assistant or transcribing clerk for the Senate, was on motion of Mr. Gillespy, taken up and read, which is in the following words, to wit:

*Resolved*, That the principal clerk of the Senate appoint a transcribing clerk for the Senate when necessary, and that it be the duty of said assistant or transcribing clerk to transcribe the journals of the Senate, and place them in a suitable condition for the reception of the public printer."

Mr. Coe offered the following in lieu:

*Resolved*, That a second assistant clerk be appointed by the Senate.

Mr. Anderson moved the indefinite postponement of the said resolution and amendment, and the question thereon being had, it was determined in the negative—ayes 10, noes 11.

The ayes and noes being demanded, the affirmative voters were,

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Marshall, Sevier, Terry, Walton and Wheeler—10.

The negative voters were

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Smith, Turney, Yoakum and Mr. Speaker Love, 11.

And so said motion was rejected.

The question then recurred upon the amendment offered by Mr. Coe, and being thereon had, it was determined in the negative—ayes 10, noes 13.

The ayes and noes being constitutionally demanded, the affirmative voters were,

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Smith, Warner, and Mr. Speaker Love—10.

The negative voters were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jones of Hickman, Marshall, Sevier, Terry, Turney, Walton, Wheeler and Yoakum—13.

And so said amendment was rejected. And thereupon Mr. Gillespy moved to lay the original resolution on the table, and the question being thereon had, it was determined in the negative—ayes 8, noes 16.

The yeas and nays being demanded, the affirmative voters were

Messrs. Aiken, Balch, Gaines, Gillespy, Smith, Warner. Yoakum and Mr. Speaker Love—8.

Those who voted in the negative are,

Messrs. Anderson, Ashe, Brown, Coe, Frey, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Sevier, Terry, Turney, Walton and Wheeler—16.

And so said motion was rejected.

Mr. Coe thereupon moved to strike out the words "by the principal clerk," and thereupon the question was had, and determined in the affirmative—ayes 13, noes 11.

The ayes and noes being demanded constitutionally, those who voted in the affirmative were

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Yoakum and Mr. Speaker Love—13.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Sevier, Terry, Walton and Wheeler—11.

And so said motion prevailed. Whereupon Mr. Coe moved to lay the resolution on the table, which motion also prevailed.

A message from the House of Representatives by Mr. Crockett their Clerk:

Mr. Speaker: The House of Representatives are now ready to receive the Senate in their Hall, for the purpose of going into the several elections set for this day.

And then he withdrew. Whereupon the Speaker and Gentlemen of the Senate repaired to the Hall of the House of Representatives and proceeded to the election of a Judge of the Sixth Judicial Circuit, and upon taking the vote (viva voce) there was for Thomas Maney a unanimous vote—there being no opposition. Whereupon the Speaker of the Senate declared Thomas Maney duly and constitutionally elected Judge of the Sixth Judicial Circuit.

The two Houses then proceeded in like manner to the election of a Secretary of State, and upon taking the vote, the result was as follows upon the first call, to wit:

For John S. Young—Messrs. Aiken, Balch, Gillespy, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Wheeler and Yoakum—11.

For Luke Lea—Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier, Terry and Walton—11.

For Philander Priestley—Messrs. Coe, Hardwicke and Mr. Speaker Love—3.

Upon the second call the votes were

For John S. Young—Messrs. Aiken, Balch, Coe, Gillespy, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Love—13.

For Luke Lea—Messrs. Ashe, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier, Terry and Walton—11.

For Philander Priestly—Mr. Hardwicke—1.

Upon the third call (the name of Philander Priestly being withdrawn,) the vote was

For John S. Young—Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Love—14.

For Luke Lea—Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier, Terry and Walton—11.

The House of Representatives being concluded, it appeared that the aggregate vote stood for John S. Young—56; for Luke Lea—44.

Whereupon the Speaker of the Senate declared John S. Young duly and constitutionally elected Secretary of State, of the State of Ten-

nessee, and thereupon the Speaker and Gentlemen of the Senate repaired to their own chamber.

Mr. Speaker Love presented the following communication from W. Nichol, president of the Bank of Tennessee, to wit:

BANK OF TENNESSEE,
October 18, 1839.

*To the General Assembly of the State of Tennessee:*

Gentlemen:—By last evening's mail, we were in receipt of the information, that the Banks of Philadelphia, Baltimore and Cincinnati have suspended the payment of specie, and probably the New York and Kentucky Banks also. This morning the Union and Planter's Banks have also suspended, and the balance due to this institution from these banks is very considerable, and they have refused payment of the same. I have the honor to be yours,

Very respectfully
W. NICHOL, President.

Mr. Yoakum submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That notwithstanding the suspension of specie payments by the Union and Planter's Banks of Nashville, and by the banks of other States, the Bank of Tennessee and branches will continue to pay its debts as public faith and common honesty require.

And the rule being suspended,

Mr. Laughlin moved that the resolution together with the communication of the president of the bank, be referred to the committee on banks; and instructed (at the suggestion of Mr. Marshall,) to report therein by to-morrow, or as soon thereafter as practicable.

Mr. Yoakum moved a division of the question, so as to take the sense of the Senate first upon referring his resolution; which motion prevailing, the question was had, "will the Senate refer the resolution," and determined in the affirmative; yeas 22; nays 2.

The yeas and nays being demanded, the affirmative voters were

Messrs. Aiken, Ashe, Anderson, Balch, Brown, Coe, Frey, Gaines, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Sevier, Smith, Terry Turney, Warner, Walton, Wheeler and Mr. Speaker Love—22.

The negative voters were

Messrs. Gillespy and Yoakum—2.

And so said resolution was referred to the committee on banks.

The said communication from W. Nichol, was also referred, on motion of Mr. Laughlin, to the same committee.

Then the Senate adjourned.

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SATURDAY MORNING, Oct. 19, 1839.

Mr. Gillespy presented the petition of Larkin Cardin, for a quarter section of land in the Ocoee District, which was referred on his motion to the committee on the Ocoee District.

Mr. Gillespy also presented the petition of Zacariah Rose, praying

the act making Ocoee river navigable be repealed; which was also referred on his motion to the same committee.

Mr. Speaker Love presented the petition of James Bradford, which was read and referred on motion of Mr. Laughlin, to the committee on claims.

A message from the House of Representatives, by Mr. Crockett their Clerk:

Mr. Speaker: The House of Representatives have adopted a resolution, that the Senate meet them in their Hall on Monday, the 21st, for the purpose of electing an Attorney for the 7th district, a Chancellor of the western division, and an Inspector of the Penitentiary.

And then he withdrew.

Mr. Jones of Hickman, moved a non-concurrence with so much of the message as proposes to elect a chancellor for the western division, which motion was sustained. The balance of said message was concurred with, and a proposition ordered to be made to the House of Representaitves to bring the election on Monday, at 2 o'clock, p. m.

Mr. Ashe, from the committee on Enrollments, reported as correctly engrossed,

A Bill to authorize the county courts to purchase and hold sites for offices for clerks of the county courts and for other purposes. And

A Bill to repeal the 2d section of an act, entitled An act to extend the corporation of the town of Murfreesborough and for other purposes, passed the 26th day of December, 1837.

Mr. Laughlin, from the joint select committee, to wait upon his Excellency James K. Polk, and inform him that the General Assembly are ready to receive any communication he may wish to make, reported that the committee had performed the duty assigned them, and had received for answer that his Excellency would make his communication at an early day.

Mr. Frey, from the joint select committee, to whom was referred the proposals for public printing, reported that the committee have had the same under consideration and had instructed him to report the following resolution, and ask their concurrence therewith, to wit:

*Resolved by the General Assembly of the State of Tennessee*, That the proposals of Joel M. Smith be accepted upon the following terms and conditions, to wit: The existing acts on the subject require the laws to be printed in small pica type, and of a similar sized page to that of the journals, but also require part of it to be marginal notes, and these notes to be in type of a smaller size; a page therefore to contain 1,900 ems, which at one dollar per 1000 ems, is $1 90; and including the press work for 500 copies, the first eight pages will average $2 28 per page, and the same for every additional number of pages.—The price for press work will be one dollar per token of average 250 copies, or less, for eight pages or less, over 500 copies. For paper, first costs and ten per cent thereon. For binding, the binder's bill—the index to the laws being in small type, will be executed for one hundred dollars. Also, that the said Joel M. Smith be required to enter into

bonds with approved security for the faithful performance of his said duties, in the sum of $5000, conditioned as the law directs.

All of which is respectfully submitted.

H. FREY, Chairman.

The foregoing report was read and concurred with.

*Ordered*, That it be transmitted to the House of Representatives.

Mr. Coe, from the committee on Banks, to whom was referred the communication of the president of the Bank of Tennessee, together with Mr. Yoakum's resolution of yesterday in relation to the late Bank suspension, made a report thereon, which was ordered to the table.

Mr. Speaker Love presented the following communication from the president of the Bank of Tennessee, to wit:

BANK OF TENNESSEE,
Nashville, Oct. 19, 1839.

*To the General Assembly of the State of Tennessee:*

In answer to your resolution of this morning on the subject of specie payments, the president and directors of this bank are of the opinion that the principal bank at Nashville can redeem all its notes now in circulation, even if all the other banks in the State suspend specie payments and remain suspended. But they are also of opinion that the bank must cease all discounts and accommodations, and call in on its discounted paper as heretofore. They are further of opinion that most if not all of the branches of this bank will be compelled to suspend under the circumstances mentioned in your resolution.

Very respectfully,
W. NICHOL, President.

The foregoing report was read and ordered to the table.

Mr. Laughlin submitted the following:

*Resolved*, That the clerks of the several chancery courts of the middle division of the district chancery courts, be requested and required at as early a day as they may find it practicable, to report to the Senate the number of suits which were transferred from the circuit courts, and stood upon their dockets at the re-organization of said courts under the act of 1835, ch. 41, the number of suits which have since been decided in said courts; the probable amount in value of property or money which have been adjudicated in said suits respectively; the number of parties to said suits respectively—the number of suits still remaining on the hearing and rule dockets of said courts up to the 15th day of October, 1939; and that the clerk of the Senate forthwith communicate this resolution to said clerks respectively.

And the rule being suspended, said resolution was adopted.

Mr. Gillespy submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That the two Houses meet in the Hall of the House of Representatives on Monday next, at the hour of 2 o'clock, p. m., for the purpose of electing an Attorney General and Reporter for the State of Tennessee; and also an Attorney General for the second district.

Mr. Marshall introduced

A Bill to amend the practice in the courts of chancery. And

Mr. Yoakum introduced a Bill to amend the several laws now in force in this State concerning bastardy, both of which were severally read a first time, passed and referred to the committee on the judiciary.

And then the Senate adjourned.

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Monday Morning, Oct. 21, 1839.

Mr. Terry submitted the following:

*Resolved*, That the principal clerk inform the Senate, whether in order to furnish the public printer with a copy of the journal, and to expedite the public business, it is necessary to employ an additional assistant clerk.

The message from the House of Representatives proposing the appointment of a joint select committee to take into consideration the propriety of giving legislative aid to the growth and culture of silk in the State of Tennessee, was taken up, read and concurred with.

The Speaker appointed Messrs. Reneau, Terry and Gaines to be of said committee on the part of the Senate.

Mr. Terry's resolution of Saturday last, proposing an amendment to the 10th article and 4th section of the constitution of this State, was taken up, read and adopted a first time.

A message from the House of Representatives, by Mr. Crockett their clerk.

Mr. Speaker: The House of Representatives are now ready to receive the Senate in their hall, for the purpose of going into the election set apart for this day.

And then he withdrew. Whereupon the Speaker and gentlemen of the Senate repaired to the hall of the House of Representatives, and thereupon the two Houses proceeded, viva voce, to the election of an Attorney General for the Seventh Solicitorial District—and upon taking the vote, there were

For Willie B. Johnson:—Messrs. Aiken, Brown, Coe, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Wheeler and Mr. Speaker Love—12.

For John Montgomery—Messrs. Balch, Jones of Hickman, and Yoakum—3.

For Nathaniel H. Allen—Messrs. Anderson, Ashe, Frey, Gaines, Marshall, Reneau, Sevier, Terry and Walton—9.

There being no election, upon the second call the vote stood as follows, to wit:

For Willie B. Johnson—Messrs. Aiken, Balch, Brown, Coe, Gillespy, Hardwick, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Love—14.

For John Montgomery—Mr. Jones of Hickman—1.

For N. H. Allen—Messrs. Anderson, Ashe, Frey, Gaines, Marshall, Reneau, Sevier, Terry and Walton—9.

The call being continued in the House of Representatives, it appeared that the aggregate vote of both branches of the General Assembly

was, for Willie B. Johnson, 56; for John Montgomery, 3; for Nathaniel H. Allen, 38. Whereupon the Speaker of the Senate declared Willie B. Johnson duly and constitutionally elected Attorney General for the Seventh Solicitorial District of this State. And thereupon the Speaker and gentlemen of the Senate returned to their own chamber.

Mr. Gillespy submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That the joint committee on banks be instructed to enquire into the expediency of so amending the 6th section of an act entitled An act to establish a State Bank to raise a fund for internal improvement, and to aid in the establishment of a system of education, passed 19th Jan. 1838, that the Legislature of Tennessee shall elect by joint vote of both houses, Directors of the Principal Bank of Tennessee and its branches, and that they report by bill or otherwise.

Mr: Turney introduced the following:

*Resolved by the General Assembly of the State of Tennessee*, That the Governor suspend the further issuance of Bonds for internal improvement until further notified by this General Assembly.

Mr. Gaines introduced

A Bill for the relief of certain purchasers of reservations in the Hiwassee District.

Which was read a first time, passed, and referred on his motion to the committee on claims.

And thereupon the Senate adjourned.

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TUESDAY MORNING, Oct. 22, 1839.

Mr. Speaker Love presented the memorial of the Agricultural Society of Maury county, which was ordered to the table.

Mr. Reneau introduced

A Bill to exempt guardians from making annual settlements in certain cases,

Which was read a first time and passed.

Mr. Gillespy's resolution of yesterday, directory to the joint committee on Banks, was taken up, read, and adopted:

*Ordered*, That the Clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Turney's resolution of yesterday, directory to the Governor, in relation to the issuance of State bonds, was taken up, read, and referred, on motion of Mr. Gillespy, to the committee on internal improvement.

The resolution to amend the 10th article, 4th section of the Constitution of this State, was read the second time and adopted.

Mr. Wheeler submitted the following:

*Resolved*, That the President and Directors of the Bank of Tennessee report to the Senate as early as practicable, whether it received all or any portion of the one million of State bonds negotiated in gold or silver coins; if not, what was the arrangement on that subject; what is the actual capital received in said Bank since it commenced operation;

what amount of said capital has been placed in the respective branches, designating the particular branch, with the amount at each branch, and the time or times when placed there. Also, the location of each branch, together with the counties composing each branch district; the amount to which each county was entitled, under the Bank charter, and whether the notice or notices has or have been given in conformity with the provisions of the charter. If so, in what newspapers were they published; the amount loaned at the principal bank and each respective branch; to whom loaned, and how much to each individual, together with the name of the county or State in which he resides or resided at the time of such loan, together with the names of their securities and their residences; the number of officers employed at the principal bank and each respective branch; the names of the respective offices filled by such officers, and the compensation allowed each officer; the number of town lots purchased by said bank or branches, by what bank or branch purchased, the cost of said lot or lots, and why purchased; if to build a banking house or houses, what amount has been expended by such building or buildings, and by what authority was each building or buildings commenced, and what amount has been paid for rent by the principal bank or branches, together with all other expense which has been incurred since the Bank went into operation.

Mr. Yoakum submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That the joint select committee on banks, be instructed to make the president and directors of the Planter's Bank of Tennessee, and the Union Bank of Tennessee, the following propositions, to wit:

1st. The said Banks will resume specie payments, fully and in good faith on or before the day

2d. The said banks will respectively declare no dividends for six months next after the day of resumption.

3d. The said banks will accept the following as a part of their charters, viz:

Amendment 1st. From and after the 1st day of June 1840, said corporation shall not for any period of sixty days, cease to pay specie for all dues against it; but should it suspend the payment of specie and not resume the payment thereof within said period of sixty days fully and in good faith, said corporation shall forfeit and pay the State of Tennessee the sum of one hundred thousand dollars, upon failure to pay which upon demand of the Treasurer of the State, the charter of said corporation shall be forfeited, and held as void for all other purposes except for the winding up and settlement of its concerns.

Acceptance of these propositions by the said banks or either of them, the further time of twelve months shall be allowed for the payment of the surplus monies which said bank or banks may hold for the State, and that said committee report thereon as soon as practicable.

And Mr. Gillespy offered the following;

Whereas, Honesty and punctuality in complying with her engagments are indispensably necessary to maintain and preserve the character and credit of the State, and whereas the bank of Tennessee and its

branches are under the control and direction of this General Assembly, and for the correct and judicious management, this legislature may be justly held responsible; And whereas, a failure to comply with their contracts, and redeem their pledges, is well calculated to impair public confidence in these institutions, and to create distrust of the integrity of the State and of her ability and resources to meet her engagements, And whereas, the late suspension by the banks of Tennessee of specie payments, is not only a breach of public faith solemnly plighted, but if persisted in under legislative encouragement, must inevitably produce great loss to the honest creditors of the bank, and a total prostration of the credit of the State both at home and abroad, And whereas, any action of this general assembly approving of the late order of suspension by the bank, besides being fraught with the most pernicious consequences to the character and credit of the State, would, by impairing the obligation of her contracts, be a direct infraction of the 20th section of the 1st article of the amended constitution of Tennessee. And whereas a silent acquiescence of the general assembly in the late order of suspension by the bank, might be construed into an approval of the measure,

Therefore,

*Resolved by the General Assembly of the State of Tennessee,* That it is with feelings of the deepest regret, that the general assembly has learned that the Bank of Tennessee has recently suspended speccie payments.

*Resolved,* That said bank is hereby ordered and directed forthwith to resume specie payments, and in all cases to observe a strict and honest compliance with her contracts.

The following message was received from his Excellency James K. Polk, by Luke Lea Esq. Secretary of State, and read at the clerk's table, to wit:

*Fellow Citizens of the Senate,*
*and of the House of Representatives:*

In communicating with the General Assembly for the first time, it does not fall within my province to review the course or advert to the action of the State Government, under the administrations of my predecessors in the Executive office, further than to bring to the notice of the General Assembly such subjects for Legislative action as the public good may seem to require.

Amongst the subjects which will doubtless claim your anxious attention, is the condition of the Banks of the State, and the state of the currency. There has been for some time and continues to be a considerable pressure in the money market, affecting chiefly and more immediately the mercantile and trading classes. Before an adequate remedy can be provided the causes which produced it must be ascertained.

These it is believed are to be traced mainly to the revulsion in currency and trade which occurred at the suspension of specie payments by the Banks in the spring of 1837. In 1836 we were apparently in the full tide of prosperity.

The crop was an abundant one, and our articles of export and particularly of cotton in the early part of the market of that year, bore a fair price. Before half the crop had been disposed of the revulsion of 1837 came upon us. The price of cotton suddenly fell in Europe and in this country more than one half. The loss sustained by the fall of prices during that year upon the American crop of Cotton alone, is estimated at not less than twenty millions of dollars.

In the early part of the season our merchants purchased cotton at the high prices it bore, our planters made their calculations upon these prices, purchased property and contracted liabilities upon the credit of their crops, made improvements, and enlarged their expenses. Add to this the over action which pervaded the whole community in almost every branch of trade, the sudden discontinuance and withdrawal of American credit abroad, and the consequent suspension of specie payments by the Banks throughout the Union, and none will be at a loss to trace these causes, to the stagnation and embarrassment in trade and currency which followed. Though in Tennessee there was perhaps less wild and extravagant speculation than in many other parts of the Union, the effects produced by these causes were severely felt, The blow fell most severely upon the banks which had discounted bills drawn on produce, and upon the merchants and others who had drawn them, and who in consequence of the fall of prices and their own overtrading were unable to meet them. To add to the severity of the pressure in Tennessee, many of our citizens were in the habit of selling on credit in the south, live stock and other property, which had been purchased on credit at home, or with money raised on bills drawn on cotton or other produce, and sold to the banks; and when the revulsion came the southern debts could not be collected. These were, undoubtedly, among the chief causes of the pressure in the money market, from which we had not fully recovered when the late suspension of specie payments occurred at Philadelphia and at some other of the eastern cities. Upon the receipt of the information that some of the banks at the east in little more than a year from their last resumption had again suspended specie payments, the question immediately arose in the public mind, what had produced the suspension, and what would be the course proper to be pursued by the banks of Tennessee?

As far as we are informed, the suspension at the east is represented to have arisen "not out of a lack of power to continue specie payments, but of self-preservation, under the form of keeping the specie from being drained out of the country." Without the means of knowing how the fact may be, it is confidently affirmed that there can be no apology for a suspension of payments by the banks, but an absolute inability to meet their responsibilities promptly.

And whatever may have been the cause of the suspension of payment by the banks at the east, it can furnish no sufficient ground for the suspension of payment by our banks so long as they have an ability to pay. Like individual debtors, they should meet their liabilities honestly and promptly as long as they are able to pay. What is the effect if a contrary course be adopted? A few of the banks at the east

suspend, and represent to the public that they are still solvent, and do so, not from necessity but to retain their specie; and, following their example, the banks in the interior, which are also represented to be solvent, suspend also, not because they are under the necessity to do so, but simply because the eastern banks have suspended. So that the suspension of the banks in a single city which may have indulged in excessive issues of bank paper and bank credits, and thus stimulated and promoted over-action in trade, or which may have ulterior objects in view, is made to operate as a suspension of payments by all the banks of the country. Surely if a bank suspend in Philadelphia, it is no reason for our banks to follow the example unless they are compelled by their condition to do so.

The apprehension of the drain of their specie can be no sufficient reason, for one of the conditions of their corporate privileges is, that they shall keep themselves at all times in a condition to meet their liabilities. When a suspension of specie payments takes place by banks, their circulation immediately depreciates in value, and the loss falls not on the banks but on the people. The labor of the country bears the loss, whilst the banks during a period of suspension are often doing their most profitable business. It was hoped that the Bank of Tennessee, of whose ability to pay specie no doubt is entertained, would continue to do so. She did pay for a day after the Union and Planter's Banks had suspended; but I regret to say finally yielded to the panic around her and stopped, not from inability to pay, but as a measure of prudence. Her course is much to be regretted, and an early resumption is in my judgment demanded by the interests of the State. By maintaining a firm stand, honestly meeting all her engagements, and at the same time extending to her debtors every possible indulgence compatible with her safety, her character as a state institution of undoubted credit will be maintained, and, to the extent of her means to furnish it, a sound currency will be preserved. In the future engagement of that institution, owned as it is exclusively by the State, and supported by the credit of the State, it should be a cardinal object constantly kept in view, to confine her operations within her means, to meet her responsibilities promptly and to preserve at all times her circulation in a sound state.

The suspension of payment by the Union Bank and Planter's Bank, presents a grave question for the consideration of the General Assembly in regard to the action which should be had in relation to them. If it shall be ascertained that they have by a suspension of specie payments in 1837, or by the more recent suspension, or by any other act, subjected themselves to a forfeiture of their charters, and it shall be deemed proper to continue their corporate existence, it is suggested that the occasion may be a fit one to impose upon them such additional restrictions as the public safety may require, and as experience may have shewn to be necessary and proper, as conditions of the continuance of their corporate privileges. They should be required at an early day to be fixed by law, to resume specie payments, and restricted from declaring any dividends to the stockholders for a period of at least six months after their resumption. It is believed that they are entirely

solvent, and that they could conveniently and safely make their means available, to resume payment at an early day, and it is not doubted that they would readily yield their voluntary assent to such restrictions as the General Assembly imposed. If the conditions imposed shall not be assented to, it will remain for the General Assemby to consider what further proceedings it may be proper to institute consistently with the provisions of their charters.

It is an error to attribute the revulsion of 1837 and derangement of the currency in the United States to the action of the Federal Government, whilst there is no pretence that the late suspension in the eastern cities has been produced by any such cause.

Similar revulsions have occurred in every commercial country, and especially in those where the credit and paper system has prevailed.—They have occurred in Great Britain, where there exists a National Bank of immense capital, more frequently and to a more ruinous extent than in most other commercial countries. Similar revulsions to that of 1837, occurred more than once in the United States, during the existence of both banks of the United States. These revulsions were not attributed at the time to the action of Government in either country, and it will not do to conclude that a National Bank in either, as a regulator of currency, could prevent them, for in both it has failed to perform this function. During the revulsion of 1837 the extent of the commercial derangement and the intensity of suffering was greater in England, where there was a National Bank, than it was in the United States. It pervaded with more or less severity the whole commercial world. The cause lies deeper than in the action of Government.—They are to be found in over-action in all branches of trade, and in excessive credits, and bank issues, which had stimulated to wild, adventurous, and disastrous speculation.

The action of the Government of the United States, confined as it was within its constitutional and legitimate sphere to the management of its own finances, not only did not produce the late revulsion through which we have passed, but the Government possessed no power to have prevented it. No Government can, without the exercise of despotic power, control or restrain the individual enterprize of its citizens. In a government like ours the attempt to exercise such a power would be wholly incompatible with individual freedom. The government possessed and could have exercised no power to prevent the rage of speculation and extravagant adventure in trade during the year 1836, when the merchants were importing into the United States sixty millions of dollars worth of merchandize more than the country exported produce to pay for, or, than was demanded for the current consumption of the country during that year.

The government possessed, and could have exercised no power to have prevented her citizens from purchasing more than twenty millions of acres of wild and unproductive public land, chiefly upon speculation during the same period. And if it possessed no such power to restrain its own citizens in the free exercise of their faculties and will, in their trade and enterprize, much less did it possess or could it have exercised

any power to prevent a like indulgence in wild speculation abroad, which brought upon England and other commercial countries the sudden revulsion under which they suffered in common with the United States.

To relieve the pressure growing out of the revulsion of 1837, which continues to be felt to some extent in Tennessee in common with other sections of the Union, and to restore to the state as far as it may be within the competency of the General Assembly to do so a sound state of the currency, are objects of deep solicitude. The only substantial and permanent relief is to be found in habits of economy and industry, and in the productive labor of our people. By an observance of these, another crop would more than liquidate our eastern debt. We must bring our expenses within our income. Our merchants and traders must cease to indulge in hazardous and wild speculations which they are unable to meet.

While however we avoid all temporary expedients, or a breach of faith to our eastern creditors, there is a manifest propriety, if not necessity, for the adoption of such measures as will in all probability enable our merchants and traders to relieve themselves from the immediate pressure under which they are suffering. We have purchased at the eastern cities, and brought into the state, a greater amount of merchandize than we have exported produce to pay for, and the consequence is that an unliquidated eastern debt hangs over us. When the banks, previous to the late suspension, were applied to for relief, they were unable to afford it, because, as they represented, they were pressed for the redemption of their circulation in coin or eastern exchange, and had been for some time drawing in their circulation and contracting their discounts.

The General Assembly created "The Bank of Tennessee," and by the provisions of the act the "surplus federal revenue" now on deposite in the other banks of the State was directed to be withdrawn therefrom "in two yearly instalments; the first instalment to be drawn on the first day of January, 1839, each instalment to be drawn in specie or funds convertible immediately into specie at par value," which when withdrawn is directed to be paid over to the Bank of Ten. and to constitute a part of its capital stock. It is understood that the banks in which the last instalment is deposited, and from which it is to be drawn on the 1st of January, 1840, being the sum of $678,373 12, in order to place themselves in a condition promptly to meet the call, have, during the present year, considerably curtailed their discounts and drawn in their circulation. While they have been curtailing, in order to furnish the means of meeting their liability, "the Bank of Tennessee" has not been in possession of this additional means upon which to extend her business; and will not be until the first of January next, if indeed in the present suspended state of the Union and Planter's Banks in which it is deposited, she can then be.

By the act creating "the Bank of Tennessee," the Governor was directed "on behalf of the State to execute the bonds of the State for two and a half millions of dollars, bearing an interest not exceeding six per

centum per annum, payable thirty years after date," and to "deliver the same to the president and directors of the Bank of Tennessee," which bonds were directed to "be sold and disposed of by the president and directors of the bank for specie, or funds convertible into specie without loss, and shall not be sold at a discount."

The bonds of the State to the amount of two and a half millions of dollars were issued and delivered to the president and directors of the bank, in conformity with the provisions of the act shortly after the bank went into operation. The bank sold and disposed of one million of the bonds, but retained and still holds the remaining million and a half unsold. Had they been sold and disposed of, one million and a half in specie or its equivalent would have been added to the available means of the bank, and the bank would thereby have been enabled not only to supply the vacuum created by the curtailments of the other banks, in order to enable them to meet the call upon them for the half of the deposite of the "surplus federal revenue" required to be paid on the first of January next, but might safely have extended some additional accommodations to the community, and thereby have mitigated the severity of the pressure in the money market. It was manifestly the intention of the General Assembly when they created the bank that the bonds should be sold and disposed of as soon as it could be done at their par value. They intended by the act to furnish sufficent banking capital resting on a solid specie basis, to answer the reasonable demands of the trade of the State, and at the same time to supply the vacuum created by the withdrawal from the State of the branch of the Bank of the United States. The General Assembly were the exclusive judges of the policy of the measure, and when by law they directed the State Bonds to be sold, it was the duty of the president and directors of the bank to sell them as soon as it could be done upon the terms prescribed. It is respectfully submitted, that if the million and a half of State Bonds authorized by the act and remaining unsold, be now sold, that the bank would be enabled by the increase of her available metalic capital, safely to afford such additional facilities as would be required to relieve the immediate pressure, until the proceeds of the sales of the present crop will afford more solid and durable relief. If in the present state of the money market in the United States, they cannot be sold at par with the interest payable as at present authorized within the United States, it is worthy of consideration whether if they were made Sterling Bonds, with the interest payable abroad, and without any increase of the rate of interest, they may not in a short time be sold at par, if not for a premium. It would be a matter of no greater inconvenience to the bank to pay the semi-annual interest abroad than at the eastern cities, and in order to make the bonds available at an early day, it is recommended that they be authorized to take that form.

It is an axiom in political economy, that, whenever a State or country imports more than it exports to pay for, or buys more than it sells, exchanges will be against it. The exports of every country constitute the basis upon which bills of exchange are drawn to pay for its imports. Exchanges will always be at high rates and difficult to obtain when

we have no produce or other fund upon which to draw. The well known course of our trade in Tennessee is to sell our cotton, bread stuffs, live stock, and other products at the south, and to purchase much the larger proportion of our supplies at the east. We sell our exports at New Orleans and other southern markets, and contract our debts for our supplies at the eastern cities. The proceeds of our exports must be remitted to the east to meet the eastern bills drawn upon them, to pay for our supplies. The banks usually perform this operation by purchasing in the first instance bills drawn on actual produce to be sold at the south, and then remitting the proceeds of sales to the east to furnish the means upon which they draw eastern exchange.—And so long as we purchase no greater an amount at the east, than we sell at the south to pay for, we will remain unembarrassed. A mistaken impression has prevailed, particularly among the mercantile and trading classes, that a National Bank could furnish eastern exchange when the State Banks and individuals could not. Exchange is drawn on an equivalent value elswhere either at sight or on time, and a National Bank can no more furnish this to the drawer than can State Banks or an individual.

The act creating the "Bank of Tennessee," makes it unlawful for that bank "to issue and circulate" any bank note of less denomination than five dollars, and after the first of January, 1841, it is made unlawful for the bank to "issue and circulate" any note of less denomination than ten dollars. This is deemed to be a most valuable provision, and it is to be regretted that the same restriction is not contained in the charters of the Union Bank, and Planter's Bank, and the Farmer's and Merchants Bank. By the charter of each of these banks, it is provided that the bank notes which it shall be lawful for them to issue shall not be for a less sum than five dollars, but there is no provision similar to that contained in the act to create the "Bank of Tennessee," which restricts them after the first of January, 1841, from issuing or circulating notes or bills of a less denomination than ten dollars.

If the General Assembly shall be of opinion that it is proper to impose upon these corporations additional restrictions, none, it is believed, will be found to be more important than this. It is an invariable law of currency that two mediums of circulation of the same denomination, the one metallic and the other paper, the one possessing intrinsic value and the other being but the representative of value, the one superior, and the other inferior, cannot long exist together in the same community. The inferior, or mere representative of value, will drive out of circulation the superior, or the currency possessing intrinsic value, and will take its place. Paper change tickets below the denomination of one dollar will banish from circulation small silver coins; the paper dollar will drive out of circulation the silver dollar; and in like manner the paper five dollar note will drive out of circulation the gold half eagle. If all the channels of circulation below ten or twenty dollars were left to be supplied by gold and silver coins, leaving the banks to issue and circulate their notes above these denominations, it cannot be doubted that there would be a sounder and more stable state of the

currency than exists. If the banks were restricted to the issue and circulation of ten or twenty dollars for the convenience of merchants and larger dealers, the smaller transactions would be conducted in coin, and the effect would be greatly to enlarge the volume of metalic circulation, which would remain in general use in society, and at the same time protect the community against the frauds and impositions but too often practised by the use of the smaller denominations of paper circulation. If change tickets and the smaller bank notes circulate, the gold and silver will either be hoarded by banks or withdrawn from circulation by individuals, and being less in demand as a medium of circulation, because a paper medium takes its place, it becomes an article of commerce, and there is a constant tendency to export it from the country. The increased quantity of precious metal too, which would be kept constantly in circulation, would furnish to all solvent banks a ready resource from which to be replenished in case of sudden panic and alarm in the money market.

The last General Assembly passed a law "to prevent the issue and suppress the circulation of change bills, change tickets, paper bills or bills of credit, of any kind or denomination whatsoever, whose issue or circulation is not authorized by the laws of the United States or of this State." Since the act took effect, the small change bills with which the country was so much afflicted have wholly disappeared, and a sound circulation of specie change has taken their place. The same effect would follow, if the smaller denominatinos of bank notes were prohibited from being issued or circulated, under adequate penalties prescribed by law. I am so fully convinced of the importance of such a restriction upon the banks that I cannot too earnestly urge it upon your consideration. My opinion is, that all dealings and transactions under twenty dollars could be conveniently and with advantage to the public, conducted in the precious metals, and that no bank note of less denomination need be issued; but as the General Assembly of 1837, in the act creating the "Bank of Tennessee," have fixed the limit of restriction to Bank notes of a less denomination than ten dollars, it may not be advisable for the present to disturb that limit. If it shall be found to produce a salutary effect, as I doubt not it will, the restriction may hereafter be extended. To make the restriction effective, the same provisions of law which may prohibit the issue and circulation of small notes by our own banks, should be applied to the circulation within the State of notes of the same denomination issued by the banks of other States.

The present banking capital of the State, as authorized by the existing charters and laws, is in my judgment sufficiently large for all useful purposes. Exclusive of the capital employed at the branch of the "South Western Rail Road Bank," located at Knoxville, the amount of which is not accurately known, the banking capital of the State exceeds ten millions of dollars. Under prudent and proper management the existing banks could undoubtedly keep themselves in a sound condition, and at the same time afford all the banking facilities really required to enable us to ship our crops to market, and to anticipate a rea-

sonable amount of the proceeds, as well as to meet all the legitimate demands of the trade of the State. Beyond this, banks and banking facilities are an evil. Banks, and the use of bank paper and credits, have become from long habit interwoven and intimately connected with all our extensive commercial operations, and if it be conceded that their employment to a reasonable extent, in conducting our trade, has in the existing state of the currency, become conducive to our prosperity, it must also be allowed that no banks or bank issues should be tolerated which do not rest on a solid and substantial specie basis, and be required to meet the demands of trade. The limits to banking and banking privileges should be carefully defined by law and confined within proper bounds. An excess of paper circulation gives a fictitious value to property, paralyses the industry of the country, produces extravagant habits of living, and excites a thirst for wild and adventurous speculation. An excess of bank circulation must necessarily be followed by a contraction, which will operate severely upon the debtor classes, and especially upon such as have become so during such excess or the abundance of paper money. "Whatever be the relative abundance or scarcity of the article money, since a given quantum is necessary for the business of circulation, the money must of course advance in value as it declines in quantity." Nothing tends so ruinously to unsettle the value of our paper circulation as the measure of value of property as the alternate expansions and contractions by the banks. When the banks largely expand, their circulation becomes abundant, declines in value, and the price of property rises; and when they contract, their circulation becomes scarce, advancs in value, and the price of property falls. When bank paper constitutes the principal circulation in a given community, it is in the power of banks to advance or depress the price of property, of which their eirculation has become the measure of value, by enlarging or diminishing its quantity. Considering these as settled principles, it is a matter of great importance that our banks should adopt and pursue a regular and steady policy, furnishing an amount of circulation and exchange, reasonably demanded by our commercial wants, and avoiding, as far as practicable, sudden expansions and contractions that have been but too often resorted to to meet temporary exigencies, and which never fail to bring in their train pecuniary and commercial embarrassments and suffering. The circulation which they issue should be based upon a solid metallic foundation, such as will ensure an ability at all times to meet their liabilities promptly, and its quantity should be kept as nearly as practicable at the same amount; varying, as it necessarily must to a small extent, with the seasons of shipment of our produce to market, and the return of the proceeds; but this variation need not be such as to affect materially the amount or value of their circulation.

Though it is believed that the present banking capital of the State is large enough, and ought not to be increased, I am fully satisfied that in the location of the branches of the Bank of Tennessee the distribution of its capital has not been so as to do equal justice to large, populous and important sections of the State. Just complaints have been

made by the people residing in those sections, which will require, and I doubt not will receive, the prompt attention of the General Assembly. The Bank belongs exclusively to the State. It is founded upon the revenues and credit of the whole people of the State; and in the location of its branches, as well as in its general management, due regard should be had to the just claims of every section. The General Assembly possess the undoubted power, without the violation of any corporate or vested rights, to apply the proper remedies by directing the location of the branches at suitable points, not increasing the capital stock of the bank, and your attention is invited to the subject.

It is suggested further, whether some greater supervisory power than exists over the branches, should not be vested in the principal board with a view to secure uniformity and regularity in their operations.

Over the operations of the Bank of Tennessee, the General Assembly possess the exclusive control, and by the charter of the Union Bank in which the State is largely interested as a stockholder, a power is reserved by joint committee to examine into its condition. It is proper that the General Assembly, as often as they may be convened, should make the examination contemplated by the charter, and cause the result to be made public. A like examination should also be made into the condition of the Bank of Tennessee. No similar power of examination is reserved to the General Assembly or to its committees, by the charters of the Planters Bank, and Farmers and Merchants Bank, but it is not doubted that these institutions would readily permit such examinations to be made if desired,

It is earnestly recommended to the General Assembly at their present session to institute a full and thorough examination into the condition and management of all the Banks, and to exercise all the constitutional powers with which they are invested, in supervising their conduct and operations, to the end that proper remedies may be applied against abuses, if any exist; that they may be required to resume specie payments at an early day, that the public confidence in them may thereby be restored, and that they may be made to meet the just expectations of the public, and to answer the purposes for which they were created.

The last General Assembly made liberal provision for the encouragement of a system of State Internal Improvement—by a law passed at that session, it was provided that the "State shall become a subscriber for one half of the capital stock in all rail roads, M'Adamized turnpikes, graded turnpikes and sanded turnpikes, for which acts of incorporation have heretofore been granted or for which acts of incorporation may be hereafter granted." Many acts of incorporation had been granted previous to the enactment of the law, and many were subsequently granted. By the terms of the act the State became an equal partner with the individual stockholders in all of them, upon the compliance on their part with certain conditions prescribed in the several acts of incorporation. Upon the performance of the conditions prescribed on the part of the individual stockholders, the Governor was required to subscribe on behalf of the State for half the amount of the capital

stock in the companies respectively, and to issue the bonds of the State, bearing an interest of five per cent and redeemable at the expiration of thirty years, as the means of raising the funds necessary to pay the State subscription. By the same act, the amount of stock authorized "to be taken by the State in the several improvements" was limited to the sum of "four millions of dollars." Many companies incorporated by the State have organized and performed the conditions required by law, and the Governor has subscribed for the State's portion of the stock; the works are in progress of construction, and the State is bound in good faith to provide for the punctual payment of the State subscription in them. Many other acts of incorporation which have been granted have not been complied with by the individual corporators, and in them the State subscription has not been made. Had all the acts of incorporation granted to internal improvement companies been complied with by the individual stockholders, the sum of "four millions of dollars" to which the aggregate amount of the State subscription is limited, would not have been sufficient to enable the State to subscribe for one half the capital stock in all of them.

Charters of incorporation it is believed have been too indiscriminately granted for the construction of local and unimportant works, instead of confining them to works of general importance and permanent utility. The greatest difficulty with which our sister States, which have engaged in systems of internal improvement, have had to contend, was to draw the line of discrimination between works which when completed will be of general importance and permanent utility and those which were of a purely local character. And this I apprehend will be the chief difficulty which we will have to encounter in the incipient stages of our system.

Numerous acts of incorporation of Internal Improvement companies now stand on our statute book which have not yet been taken up by individual stockholders, and in which there are as yet, no individual vested rights. The General Assembly possess the undoubted power without a violation of any individual or corporate rights, to repeal all such as in their judgment are of a local and unimportant character, and which if constructed would not yield any, or, if any, a very small profit to the State, or the stockholders upon the capital invested, and the propriety of doing so is respectively recommended. By confining the improvements of the State to a judicious selection of objects of leading and general importance, and omitting or postponing for the present to engage in works of a less important character, there is reason to believe that the system will obtain popular favor, and that the works when completed will yield an income to the State, which will not only defray the annual interest on the capital invested by the State, but contribute annually to liquidate the cost of construction.

On the other hand, if the State patronage is given to unimportant as well as important objects, indiscriminately selected, there is danger that the income from them would not defray the accruing interest, that the public money would be wastefully expended, and that the State would be involved in an annually increasing debt, without any

equivalent advantages to the public, derived from the improvements. The success of the system will therefore mainly depend upon the wisdom and discretion of the General Assembly, in the selection of the objects of improvements to which the State shall give her patronage. The aid of the State granted by the last General Assembly to the amount of one half the cost of construction of public improvements authorized by law, if a proper discrimination be observed in the selection of the objects of improvement, is not in my judgment too large, and should be continued.

Our system is yet in its infancy, and the laws are undoubtedly in many respects defective, and will require amendment.

It is respectfully submitted whether the public interests do not require that a board of public works, to be composed of two or more competent and scientific men, should be authorized, and their duties prescribed by law. Should it be deemed proper to organize such a board, it should, among other things, be made their duty to make minute surveys and estimates of the cost of construction of all new works proposed, the probable profits which would be derived from them when completed, with their opinion of their public utility. It should be made their duty to superintend the letting out of contracts, the construction of all public works in which the State was interested, the faithful application of the public monies, and to report upon oath to the General Assembly at each stated session. When new works are proposed, their report of surveys and the estimates of the cost of construction should in all cases be made before a charter of incorporation is granted, or an appropriation of public money made. They should be placed under adequate bonds, and suitable penalties should be imposed to insure a faithful performance of their duties. The General Assembly would in this manner be at all times in possession of full and accurate information of the condition and progress of the several public works authorized by law, as well as of the propriety of engaging in such new works as may be proposed. A proper responsibility too, for the faithful application of the public money to the objects authorized by law, would be secured. A board of public works, such as is suggested, if employed by the State, must of course be paid an adequate compensation for their services, but in the end their employment would be real economy, as well as tend to promote a system of improvement which would be permanently useful.

Under the existing laws, when the State subscription is paid to the several improvement companies, it is committed exclusively to their control and management, and there is no sufficient guaranty or security that it will be faithfully applied. The State, it is true, is entitled to a representation in the directory of the several boards. The State directory, however, are generally persons residing in the vicinity of the public works, and, after the money of the stockholders and of the State is paid to the Treasurer of the board, and the contracts for construction made, their duties practically cease.

They are not required by law, nor indeed can it be expected that they will, without compensation, and from motives of patriotism alone,

give their time and attention to the faithful application of the public money. The money of the State and the construction of the works are left practically under the exclusive control of the individual stockholders or directors. Contracts for the construction of the works may be let at higher rates than they should be, may be taken by the companies themselves, and the State subscription made nearly (if not quite,) to execute the whole work, one half of which when completed, will bleng to the individual stockholders. Frauds of this character if attempted should be guarded against by an amendment of the existing law.

When the State engaged to "subscribe for one half of the capital stock" of such incorporated companies as had been or might be authorized by law, it was undoubtedly intended that the State should pay in cash or par funds, the amount of her subscription so soon as the individual stockholders had paid the other half the capital stock in like funds; and in order to secure punctual payment by the private stockholders, they were required first to pay, and upon that fact being made known to the Governor in the manner prescribed by the act of the last session, the State was bound to pay in equal proportions. The partnership was intended to be an equal one, and to be alike binding upon the private stockholders and upon the State. The State used her credit as the means of raising a fund to enable her to pay her subscription. She authorized the issuance of state bonds redeemable at the end of thirty years, and bearing an annual interest at five per cent.—In the then state of the money market, it was calculated that bonds of this description could be readily sold and converted into specie or its equivalent at par. It however appears that they cannot be sold in the market at par. No funds at their nominal or par value have been or can be raised upon them. The companies to whom a portion of them have been issued, have been compelled to take them "in payment of the State subscription at their nominal value," when they were in fact below par, and have either retained or sold them in the market at a ruinous sacrifice, making the State subscription available to the companies in fact, less in amount than that paid by the private stockholders. If the position assumed be correct, that it was intended by the act to make the State an equal partner with the private stockholders, and that she should pay an equal proportion with them of the capital stock of the several incorporated companies who comply with its provisions, it follows, that if instead of paying the State subscription out of the Treasury, the State uses her credit by the issuance of State bonds as the means of raising the amount of her subscription, she should issue them of such a character as would command in the market their nominal or par value. The three hundred thousand dollars authorized by the same act to be applied to the improvement of the navgable rivers of the State have been wholly unavailable, because the five per cent. bonds authorized to be issued for that purpose could not be sold in the market at their nominal or par value.

It is respectfully suggested that the bonds of the State which have been issued, or which it may be deemed expedient to issue, should be

of a character which will insure a ready sale in the market at their par value. Should the bonds authorized to be issued be of such a description as to command a premium in the market, the excess over their nominal amount would enure exclusively to the State. It is further recommended that provision be made by law, that any bonds which may be issued by the State, shall be sold either by the "Bank of Tennessee" or some other authorized agent of the State, and not as heretofore be issued and delivered in small amounts to internal improvement companies to be hawked about the streets of our principal commercial cities, and offered and sold in the market at ruinous sacrifices. To permit the latter course is injuriously to affect the credit of the State as well in our own country as abroad.

The State of Tennessee has contracted a smaller amount of public responsibility or debt in proportion to her population, wealth and resources than any State in the Union. With a population of near a million of inhabitants, with a salubrious climate, and a fertile soil, abounding in many parts of the State with rich and inexhaustable minerals, and with an enterprising and industrious population, the whole public debt of the State, exclusive of the Internal Improvement Bonds authorized to be issued by the last General Assembly, and exclusive of the State's portion of the Federal revenue held on deposite, amounts only to the sum of $1,763,666⅔. To meet this the State owns of stock in the Union Bank $646,600—one million of the capital stock of the "Bank of Tennessee;" and $266,666⅔ of the capital stock of Internal Improvement Companies chartered previous to the last session of the General Assembly.

The internal improvement bonds which have been issued under the act of the last General Assembly, bearing an interest of five per cent. amount to $899,580, making the whole public debt of the State of every description, exclusive of her portion of the Federal surplus revenue which she holds on deposite, the sum of $2,666,166⅔. The faith of the State is pledged for the punctual payment of the semi-annual interest on the State Bonds issued and authorized to be issued, as well as for their ultimate redemption, and there is no State in the Union whose public securities should command a higher price in the market than ours. If the State shall hereafter dispose of her own bonds through an authorized agent, there cannot be a doubt that they will command in the market as high a price as similar public securities of any of our sister States.

If there be ambiguity, as has been suggested in the terms of the Internal Improvement law of the last session, or doubts of its proper construction, the General Assembly it is hoped will, by an amendatory act clearly define their meaning and intention.

No subject is, in my judgment, of more importance to the State than a vigorous prosecution of a judicious system of improvements. None can so much tend to develope our resources, and add to our wealth and prosperity. So important was the subject regarded by the convention that revised the Constitution of the State, that by a constitutional provision it is made the duty of the General Assembly to encourage it.

Being an interior state, without a seaboard, washed only on her western border by the Mississippi—Tennessee is, from her geographical position and the difficulties and cost of transportation, cut off during many seasons of the year from the most profitable markets. The improvement of the navigable tributary streams of the Mississippi which water the state, is deemed to be of great importance, and is recommended to the favorable consideration of the General Assembly. The state is separated by natural boundaries into three grand divisions; and leading highways from the western to the eastern border, whereby the different sections would be more immediately connected together in trade and intercourse, seem to be demanded by our geographical position. The eastern division is isulated and further removed from market than any other portion of the state, and the improvement of the navigation of the Tennessee river, and its upper tributaries would be of incalculable advantage to that portion of the state. Leading improvements from North to South, connecting themselves with similar improvements North and South of us, would afford facilities to interior trade, as also for the cheap and easy transportation of our products to the most profitable markets without the state, and for a return by a like cheap and easy conveyance of the articles we need for consumption. Some of these are now in a course of construction. The state has heretofore given to them her countenance and aid by a liberal subscription to their stock. In their continued progress of construction they will probably require further public patronage.

The Oommon School Fund of the State is declared by the Constitution to be a "perpetual fund, the principal of which shall never be diminished by Legislative appropriation, and the interest thereof shall be inviolably appropriated to the support and encouragement of common schools throughout the State and for the equal benefit of all the people thereof." Your attention is called to a faithful observance of the constitution in this respect, and to such amendments of the existing laws as experience may have shown to be proper and necessary to insure a more rigid and strict accountability on the part of public agents and officers to whom is entrusted the management and control of this fund and the annual proceeds arising from it, and to insure also a more general diffusion of its benefits throughout the State.

It will be necessary during your present session to make provision by law, prescribing the mode of choosing electors to vote for President and Vice President of the United States at the election which will take place in 1840, the act of the 19th Feb. 1836, upon that subject, having provided only for the election which took place in that year.

Your attention is called to the propriety of revising the laws, prohibiting the practice of betting on elections. The existing laws declare the offence of betting on elections to be a misdemeanor, punishable by indictment or presentment, but their provisions are found in practice to be inadequate to prevent it. The demoralizing tendency of the practice, as well as the evil influences which it exerts upon the free and unbiassed exercise of the right of suffrage, have been seen and felt wherever it has prevailed. It begets excitement, engenders strife, and

it but too often happens that those who have stakes at hazard become more interested to secure them than by a dispassionate exercise of suffrage to promote the public good. The same reason exists, and if possible in a higher degree, to prevent gaming of this character that does to suppress it on games of hazard and address. Betting on elections is usually publicly done, and the evil example upon society is consequently more pernicious. The propriety of the enactment of such laws as will effectually prevent and suppress it, is submitted to your consideration.

Different and conflicting rules of constructioa of the constitution and laws in regard to the qualifications of electors to vote at elections, obtains in different parts of the State, and often at different places of voting in the same county. In some counties the right to vote in any election is restricted under the construction given to the constitution and laws, to persons residing in the county in which they offer to vote, and who have so resided for a period of six months immediately preceding the day of election. In other counties under a different construction of the constitution and laws, the right to vote for Representatives and Senators in the State Legislature, in cases where the Representative or Senatorial District is composed of more counties than one, and for Representative to Congress, is allowed to persons residing within the Representative, Senatorial or Congressional District in which they offer to vote. A declaratory law, or Legislative exposition of the provision of the Constitution upon this subject is suggested, so as to make the rule of construction uniform, and the rights of the citizen the same in every part of the State. If permitted to vote in any county in the State where the voters do not reside, they should be permitted to exercise the same rights in all.

The General Assembly in the year 1832, considering that the increasing number oi lunatics in the State had made it necessary for the safety and well being of society, as well as for the comfort and security of those unfortunate beings whom Providence has afflicted with the most severe of all earthly afflictions, passed a law to establish a Lunatic Hospital, and made an appropriation for that purpose. At the sessions of 1835-6 and 1837-8 additional appropriations were made with the same object. In pursuance of the act of 1832, and those subsequently passed, a site has been purchased near this city, and suitable buildings have been erected and are now nearly ready for the reception of inmates. To carry into effect the humane intention of your predecessors, I recommend that provision be made by law for the appointment of suitable persons to take charge of the institution, and for the reception comfort and security of such unfortunate persons as may fall within the class for whose benefit it was established.

In closing this communication, it is cause of mutual congratulation that all the elements of prosperity continue to exist in the State.—Though suffering the inconveniences of a sudden and temporary derangement of the currency, plenty abounds; labor of every description receives its just reward; we are in the full enjoyment of civil and religious liberty; and, under a benificent and overruling Providence, are

blessed with the freest and happiest government upon earth. Our gratitude is due to the Giver of all Good for the public blessings which as a State and a people we enjoy.

JAMES K. POLK.

NASHVILLE, October 22, 1839.

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WEDNESDAY MORNING, Oct. 23, 1839.

Mr. Anderson presented the petition of David Billings, a citizen of Wilson county, praying relief for lost land, which was read and referred, on motion of Mr. Anderson, to the committee on claims.

On motion of Mr. Reneau, the petition of sundry citizens of Jefferson county, asking Legislative encouragement to the growth and culture of silk in the State of Tennessee, was ordered to be referred to the select committee on that subject.

Mr. Terry submitted the following:

*Resolved*, That the committee on education and common schools be instructed to report a bill providing for the proper distribution of the academy fund to the several county academies in this State.

Mr. Wheeler's resolution of yesterday, requiring the President and Directors of the Bank of Tennessee to make certain reports, was taken up and read.

Mr. Turney offered the following as an amendment thereto, to wit:

"And also report the names of persons who recommended the solvency of such borrower and securities, and upon whose recommendation they discounted such notes or bills if any.

To which Mr. Brown offered the following as an amendment, to wit:

And also the names of persons whose notes have been refused, together with the names of their securities or endorsers, and the names of persons who recommended them, and to what political party they belonged, and whether such refused notes were good or not.

Mr. Gillespie moved its indefinite postponement, and thereupon the question was had and determined in the affirmative—ayes 12, noes 11.

The yeas and nays being demanded, the affirmative voters were

Messrs. Aiken, Balch, Gillespy, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Love—12.

The negative voters were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier, Terry and Walton—11.

And so said amendment was rejected.

Mr. Brown thereupon moved the indefinite postponement of the amendment offered by Mr. Turney, and the question thereon being had, it was determined in the affirmative—ayes 13, noes 10.

The ayes and noes being constitutionally demanded, those who voted in the affirmative were,

Messrs. Brown, Frey, Gaines, Gillespy, Jones of Hickman, Marshall,

Reneau, Sevier, Smith, Walton, Warner, Yoakum and Mr. Speaker Love—13.

The negative voters were,

Messrs. Aiken, Anderson, Ashe, Balch, Jennings, Jones of Lincoln, Laughlin, Terry, Turney and Wheeler—10.

And so said amendment was rejected.

The question then recurred upon the adoption of the original resolution, and being thereon had it was determined in the affirmative—ayes 22, noes none.

The ayes and noes being demanded, the affirmative voters were

Messrs. Aiken, Ashe, Anderson, Balch, Brown, Frey, Gaines, Gillespy, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Smith, Terry Turney, Walton, Warner, Wheeler, Yoakum and Mr. Speaker Love—22.

And so said resolution was adopted.

A message from the House of Representatives by Mr. Crockett, their Clerk:

Mr. Speaker: The House of Representatives have adopted a resolution proposing to go into an election of an Attorney General for the Second District, a Chancellor of the Western Division, a Register for the Western District, and a Register for the Hiwassee District in this State, on Saturday next, and ask your concurrence therein.

And then he withdrew. Whereupon the said message was read and concurred with.

Mr. Smith submitted the following:

*Resolved*, That so much of the Governor's Message as relates to the currency be referred to the committee on Banks.

That so much as relates to Internal Improvement be referred to the committee on Internal Improvement.

That so much as relates to common schools, be referred to the committee on Common Schools and Education.

That so much as relates to elections, be referred to the committee on Privileges and Elections, And

That so much as relates to the Lunatic Assylum be referred to the Select Committee on that subject.

Mr. Laughlin submitted the following:

*Resolved*, That the Secretary of State be required as early as practicable to report to the Senate the amount of the existing State debt, so far as the same consists of State bonds, whether issued for purposes of banking or Internal Improvement, and that a list of said bonds be set out and reported with the dates of the same, when issued, when due, and to what person or persons, corporation or corporations issued. And also what amount of State Bonds for purposes of banking or Internal Improvement, authorized by law to be issued, yet remain to be issued.

Mr. Marshall introduced

A Bill to amend the 6th section of the act of 1836, ch. 19, which was read a first time, passed and referred to the committee on the judiciary.

Mr. Aiken introduced a Bill for the relief of the citizens of Washington county, which was read and referred to the committee on claims.

Mr. Turney introduced

A Bill to give justices of the peace jurisdiction to grant writs of certiorari and supersedeas. Which was read a first time, passed, and referred to the committee on the judiciary.

Mr. Gillespy's resolution of yesterday, in relation to the late suspension of the Bank of Tennessee, was taken up and read, and while undergoing discussion,

The Senate adjourned.

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THURSDAY MORNING, Oct. 24, 1839.

Mr. Warner presented the petition of sundry citizens of Bedford county, asking the passage of a law authorizing the Bank of Tennessee and branches to issue notes of from one to five dollars. Which was read and referred to the committee on Banks.

Mr. Jones of Hickman, presented the petition of sundry citizens of Hickman, Perry and Humphries, in relation to the improvement of the navigation of Duck river, which was was read and ordered to be transmitted to the House of Representatives.

Mr. Gillespy presented the petition of John B. Tipton, Surveyor General of the Ocoee District, praying the establishment by law of a certain range line in said district; which was read and referred to the committee on the Judiciary.

The Senate resumed the consideration of the resolution in relation to the suspension of the Bank of Tennessee, and after undergoing some discussion, was on motion of Mr. Warner ordered to the table.

Mr. Yoakum introduced

A Bill requiring the brigadier general of the 13th brigade of Tennessee militia to hold a brigade drill. Which was read a first time, passed and referred to the committee on Military Affairs. And

Mr. Turney introduced

A Bill for the relief of females, and to authorize the granting of divorces in certain cases. Which was read a first time, passed and referred to the committee on the Judiciary.

Mr. Terry's resolution, directory to the committee on Education and Common Schools, in relation to the distribution of the Academy fund, was taken up, read and adopted.

Mr. Aiken submitted the following:

*Resolved by the Senate and House of Representatives*, That the committee on Education and Common Schools be made a joint committee, and that the committee on Federal Relations be also made a joint committee.

And the rule being suspended, the said resolution was adopted.

*Ordered*, That the Clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr. Turney introduced

A Bill to define the tax laws of this State. Which was read a first time and passed.

The resolution heretofore submitted by Mr. Laughlin, calling on the Secretary of State to report the amount of State debt and State bonds, was taken up and read.

Mr. Laughlin moved the following amendment thereto, to wit:

And also what amount of stock in Banks, or to internal improvement companies, specifying the amount subscribed and the date of subscription, and the banks and companies in which such stock on behalf of the State has been subscribed.

Said amendment was received, the resolution read as amended, and adopted.

Mr. Aiken presented the report of the commissioners for the improvement of the navigation of rivers in Tennessee east of Knoxville, which was read and referred to the committee on Internal Improvement.

Mr. Yoakum's resolution directory to the joint committee on banks, authorizing that committee to make certain propositions therein contained, to the Union Bank of Tennessee and the Planter's Bank of Tennessee, was taken up and read.

Mr. Gillespy moved to amend the same by making it the duty of said committee to enquire into the expediency of making such propositions, which was accepted. The resolution was thereupon put upon its adoption and rejected—ayes 9; noes 13.

The ayes and noes being demanded the affirmative voters were,

Messrs. Aiken, Gillespy, Jones of Lincoln, Laughlin, Smith, Turney, Wheeler, Yoakum and Mr. Speaker Love—9.

The negative voters were,

Messrs. Anderson, Balch, Brown, Frey, Gaines, Jennings, Jones of Hickman, Marshall, Reneau, Sevier, Terry, Walton and Warner—13.

And so said resolution was rejected.

A message from the House of Representatives by Mr. Crockett, their clerk.

Mr. Speaker: The House of Representatives have adopted a resolution that the Senate meet them in their hall on Saturday next, for the purpose of electing a Register for the Mountain District, and a Register for East Tennessee, in which they ask your concurrence.

And then he withdrew. Whereupon the said resolution was read, and so much thereof as relates to the election of a register for the Mountain District was non-concurred with, and so much thereof as relates to the election of a Register for East Tennessee was ordered to the table.

And thereupon the Senate adjourned.

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FRIDAY MORNING, Oct. 25, 1839.

Mr. Speaker Love presented the following report of Luke Lea Esq., Secretary of State, to wit:

*To the Honorable the Senate:*

In obedience to your resolution of the 17th inst. directing the Sec-

retary of State to report to the Senate, a statement of the subscriptions made by the State for stock in turnpike roads under the provisions of the act of 1838, and that he report to what road or river, and the amount thereof, to any or each road or river, the undersigned has the honor to report,

That pursuant to the provisions of the act of 1838, the Governor has subscribed for stock on behalf of the State, in the following Turnpike Companies, to wit:

| | | |
|---|---|---|
| 1 | Clarksville and Russelville | Turnpike Company, |
| 2 | Franklin and Columbia, | do do |
| 3 | Fayetteville and Shelbyville, | do do |
| 4 | Lebanon and Sparta, | do do |
| 5 | Jefferson, | do do |
| 6 | Columbia Central, | do do |
| 7 | Cumberland and Stone's river, | do do |
| 8 | Chambers and Purdy, | do do |
| 9 | Nashville and Charlotte, | do do |
| 10 | Harpeth, | do do |
| 11 | Gallatin, | do do |
| 12 | Livingston, | do do |
| 13 | Lebanon and Nashville, | do do |
| 14 | Murfreesboro' Manchester, & Winchester Co. | do do |
| 15 | Pelham and Jasper, | do do |
| 16 | Turnpike, | do do |
| 17 | Harpeth and Farmington, | do do |
| 18 | Forked Deer, | do do |
| 19 | Columbia, Pulaski, Elkton and Alabama, | do do |
| 20 | Big Hatchie, | do do |
| 21 | Gallatin and Cumberland, | do do |
| 22 | Nolensville, | do do |
| 23 | Ashport. | do do |

In each of the above named companies, the State is a stockholder to the amount of one half their capital stock; but as some of the companies have the privilege under their respective charters to increase their capital stock, it is impossible to ascertain precisely the amount for which the state is liable in virtue of her subscriptions. This can only be known with certainty when the capital of each company shall have been defined.

'Although not coming within the scope of your enquiry, yet it may be proper here to state, that in addition to the foregoing, the Governor has subscribed for stock to the amount of $650,000 in the Louisville, Cincinnati and Charleston Rail Road Company; and for the same amount in the Hiawasse Rail Road Company.

The following is a statement showing the amount of bonds that have been issued for Internal Improvement purposes, under the act of 1838:

| | |
|---|---|
| To the Chambers and Purdys Turnpike Company, | $7,500 |
| Hiawassee Rail Road, | 195,000 |
| Franklin and Columbia Turnpike, Co. do | 22,000 |
| Columbia Central, do | 69,000 |

| | | |
|---|---|---|
| Nashville and Charlotte Turnpike Company, | | 24,000 |
| Fayettville and Shelbyville, | do | 16,000 |
| Gallatin, | do | 68,000 |
| Harpeth, | do | 26,000 |
| Cumberland and Stone's river, | do | 20,000 |
| Lebanon and Nashville, | do | 30,000 |
| Jefferson, | do | 9,000 |
| Louisville, Cincinnati and Charleston R. R. | | 32,000 |
| Pelham and Jasper Turnpike Company, | | 7,000 |
| Clarksville and Russelville, | do | 5,000 |
| Forked Deer, | do | 7,000 |
| Columbia, Pulaski, Elkton and Alabama | do | 12,000 |
| Big Hatchie, | do | 6,000 |
| Gallatin and Cumberland, | do | 1,000 |
| Nolensville, | do | 14,000 |
| Ashport, | do | 15,000 |
| Lebanon and Sparta, | do | 14,000 |
| | | $599,500 |

For the improvement of rivers in East, Middle and West Tennessee, $100,000 each 300,000

Total amount of bonds issued for Internal Improvement purposes under the act of 1838. $889,500

Respctfully submitted,

Secretary's Office, LUKE LEA,
Oct. 24, 1839. Secretary of State.

A Bill from the House of Representatives for the benefit of occupant settlers south and west of the congressional reservation line, was taken up, read and passed first time, and referred to the committee on public lands.

Mr. Wheeler introduced

A Bill to appropriate money to the payment of a debt due the Union Bank, which was read a first time and passed.

Mr. Frey introduced

A Bill to change the time of holding the circuit courts of Robertson county, which was read a first time and passed.

Mr. Coe submitted the following preamble and resolutions, to wit:

Whereas, the General Assembly of the State of Tennesse have, on various occasions, when in their opinion the great public interests of the country demanded it, expressed in the most solemn form their views in regard to questions of a national character, involving the welfare of the people of the United States, and have at all times, when deemed necessary to give practical effect to the sentiments which they entertained, availed themselves of the power which legitimately, and in conformity with long established Republican usage, throughout the Union belonged to them, of instructing their Senators and requesting their Representatives in Congress to carry out, as to specific measures, their declared wishes; and

Whereas, the extraordinary circumstances which have existed for

the last few years, in the financial and commercial interests of the United States, remain unabated, and under causes of increased excitement and difficulty, originating as we believe, in the same vast source of public mischief; and

Whereas, we do solemnly believe that to that source, the late Bank of the United States, is in a great degree to be attributed the oppressive calamities under which we have suffered and through which we are now actually passing; and

Whereas, during the history of the last few years we have seen this mammoth moneyed power struggling almost with success against the Government, and wielding a power in the production of panic and disaster, that in the language of its boldest advocates we were pronounced to be in the midst of a revolution, and the terrible evils which we have not only been taught it may inflict, and the present admonitions, which proceed from the last throes and agonies of that expiring power, justify us, and demand at the hands of the General Assembly, who should truly be the guardians of the happiness and prosperity of the people, any effect which can in any wise strengthen the councils of the nation against the recurrence of similar causes and results, and which may encourage the administration of the country to adhere to its existing wise and prudent policy in regard to this great and absorbing subject: and

Whereas, the Constitution of the United States contemplates a Treasury to be held by the Government, wholly free from any necessary connexion with Banks, and the present crisis, as well as times past, have demonstrated the wisdom of such a measure, this General Assembly do most fully approve the policy heretofore recommended by the President of the United States in relation to what has been denominated the Independent Treasury, and believe that the passage of the measure brought forward in the last Congress, or some similar system upon this subject, would be not only prudent, but is absolutely demanded by the peculiar and remarkable vicissitudes which have acted powerfully upon the currency and commerce of our country; and further, that such a measure would contribute to the more permanent stability of our institutions, the dependence of the Government for all purposes of peace and war, to check the wild and extravagant spirit of the age that has come upon us with a reckless fury, and would ultimately tend to bring us back to sober reflection, steady pursuits, and the confirmed possession of an ample prosperity; and

Whereas this General Assembly do believe, that the public domain of the United States should not be treated by the General Government as a mere source for the acquisition of money to the public Treasury, but by reducing the price to reasonable and moderate rates should rather be regarded as the great and extensive means of encouragement to the augmentation of our population, and the reward of the laborer, the husbandman, (by the grant of pre-emption rights) who in times of peril, will be a powerful bulwark to the frontier, and the right arm of safety and defence against the hostile invasion of a foreign foe: and

Whereas the liberty of speech and the freedom of the press are con-

sidered as invaded directly or by implication in the provisions of a bill which was brought before the Senate of the United States at the last session of Congress, entitled "a Bill to prevent the interference of certain Federal officers in elections;" and

Whereas the people of the United States have long paid a tribute of millions to the monopolists of Salt, under the tax which has been imposed upon the foreign importations of that necessary article, whereby the quantity which would otherwise have been introduced into the United States has been diminished, and the price to the consumer increased; and

Whereas, reviewing the history of our Government for the last ten years, a period which will be remarkable through all future time, and looking round upon the events now being daily developed, this General Assembly have reason to congratulate the country that its destinies were cast at the approach of the trying events which have within that period rapidly succeeded each other, in the hands of our venerated and patriotic fellow citizen, Andrew Jackson: and whereas, his policy began the restoration of that system which was hailed in 1800 as the establishment of sound principles, and was steadily pursued by him and transmitted with the impress of his character to the hands of his distinguished successor; and whereas the firm and patient wisdom of the present chief magistrate, pursuing the same policy, has successfully conducted our domestic and foreign relations in the midst of peculiar and very extraordinary difficulties: Therefore, be it

1st. *Resolved by the General Assembly of the State of Tennessee*, That our Senators in Congress be instructed and our Representatives requested to vote against the chartering by Congress of a National Bank.

2d. *Resolved further*, That our Senators in Congress be instructed and our Representatives requested to vote for, and to use all fair and proper exertions to procure the passage of the measure brought forward in the Congress of the United States commonly called the Sub Treasury Bill or the Independent Treasury Bill, the object of which was to separate the collection, keeping and disbursement of the public money from all Banks, so as to make the Treasury of the United States independent of all Banks, as recommended by the President of the United States in his several messages communicated to the last Congress of the United States.

3d. *Resolved further*, That this General Assembly doth unqualifiedly condemn the provision of a Bill heretofore before the Senate of the United States at its last session, entitled "A Bill to prevent the interference of certain Federal officers in elections," which Bill this General Assembly doth declare to be a violation of the Constitution of the United States, which provides that "Congress shall pass no law abridging the freedom of speech and of the press," and they do as unqualifiedly condemn the vote given in favor of said Bill by the Senators in Congress from this State, and our said Senators in Congress are hereby instructed, and our Representatives requested, to vote against

and to use all fair and proper exertions to prevent the passage of the same or any similar bill.

4th. *Resolved further*, That our Senators in Congress be instructed and our Representatives requested to vote against the measures heretofore brought before Congress, which had for its object the distribution among the States the proceeds of the sales of the public lands, and that they be further instructed to vote for and use all fair and proper exertions to procure the passage of a law for the graduation and reduction of the price of the public lands, and for granting pre-emption rights to the settlers thereon.

5th. *Resolved further*, That our Senators in Congress be instructed and our Representatives requested to vote for and use all fair and proper exertions to procure the passage of a law repealing the duties on imported Salt.

6th. *Resolved further*, That this General Assembly doth heartily approve the leading measures and policy of the administrations of Andrew Jackson and Martin Van Buren, and our Senators in Congress are hereby instructed and our representatives requested to support in good faith, the leading measures and policy as brought forward and advocated by the present President of the United States, and to use all fair and proper exertions to carry out, sustain and accomplish the same.

7th. *And Resolved further*, That the Governor be requested to transmit to each of our Senators and Representatives in Congress a copy of the foregoing preamble and resolutions.

Mr. Aiken submitted the following:

*Resolved*, That the committee on banks, be instructed to enqire into the expediency of repealing that part of the act establishlng a State Bank in the State of Tennessee, which authorizes the president and directors of the principal bank to locate the branches, and appoint twelve directors for each branch of the Bank of Tennessee. And

Mr. Gillespy the following:

*Resolved by the General Assembly of the State of Tennessee*, That the Secretary of State is hereby directed to call upon the respective boards of directors of the several Internal Improvement Companies incorporated by the laws of this State, in which the Governor of Tennessee has subscribed for stock, to report severally as soon as practicable to this General Assembly

1st. The nature and extent of the improvement completed.

2d. The probable cost necessary to complete the enterprize.

3d. The amount of stock subscribed by individuals under each charter, the number of subscribers, the amount collected, the amount forfeited if any, and the probable amount of subscriptions that cannot be realized.

4th. The amount of stock taken by the Governor on behalf of the State, that has been received by each company either in funds or State Bonds, if in bonds whether the same have been negotiated, where, and what amount thereof; if not negotiated the reasons why they have not been sold.

5th. Whether the whole or a part, and how much of the enterprize has been put under contract, the names of the contractors, and the terms of the contract.

6th. What progress has been made in the contemplated improvement, what amount has been expected thereon, including the amount paid in salaries or otherwise to engineers, agents, officers of the respective boards since the commencement of the work, presenting in tabular form a complete statement of the same—and also the probable sum necessary to complete the construction of such work, and the amount of available funds in the power of the company.

7th. The number, names, grades and salaries of the officers of each company who are performing, or have performed services under salaries for the company, and the sums that have been paid to such officers respectively.

The preamble and resolutions heretofore submitted by Mr. Gillespy, in relation to the late suspension of specie payments by the Bank of Tennessee, was on his motion taken up and read.

Mr. Jennings moved to lay them on the table and make them the order of the day for to-morrow.

Pending which motion, the Senate adjourned.

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SATURDAY MORNING, Oct. 26, 1839.

A message from the House of Representatives by Mr. Crockett, their clerk.

Mr. Speaker: I am directed to transmit to the Senate the report of C. W. Nance, Civil Engineer, upon the survey of the route for the Tennessee and Hatchie Canal, made in conformity to an act of the General Assembly of Tennessee.

And then he withdrew. Whereupon the said report was ordered to be referred to the committee on Internal Improvement.

Mr. Gillespy presented the petition of sundry citizens of Bradley county in relation to the Hiwassee Rail Road, which was read and ordered to be transmitted to the House of Representatives.

Mr. Turney presented the petition of sundry citizens of Overton, White and Jackson counties, praying the establishment of a new county; which was referred on his motion to the committee on new counties and county lines.

On motion of Mr. Laughlin, the Resolution from the House of Representatives, proposing to go into the election of a Register for East Tennessee, was taken up, read and concurred with.

*Ordered*, That the clerk acquaint the House of Representatives therewith.

Mr. Reneau submitted the following:

Whereas, all just governments are designed to secure enjoyments of peace, equal liberty, and common prosperity and happiness of all those over whom they are intended to be administered, and for the at-

tainment of those desirable ends, necessarily require the creation of a system of official stations; and

Whereas, the vesting of the incumbents of these offices with competent powers and influence to constitute them efficient in the attainment of the ends designed, and at the same time to be so limited as not to be capable of being perverted to the purposes of oppression or in any way endangering the exercise of liberty, calls for the employment of the greatest political wisdom and the most constant attention to the tendencies of the powers created and delegated; and

Whereas, the powers of patronage in the hands of the Chief Magistrate have long been by some, and of late have been generally considered to be so great and extensive, as to well justify the views and opinions of General Jackson as expressed in 1825, when resigning his office of Senator to the Legislature. This power of appointment to office was then declared to be the quarter from which our liberties were in danger. Therefore,

*Resolved by the General Assembly of the State of Tennessee*, That we view the power of the President to appoint to office already so great as to endanger the privileges and liberties of the people.—We therefore advise and instruct our Senators in Congress, and request our Representatives to resist and oppose the passage of all bills, which if passed into laws, would in any event, directly or indirectly, increase or extend the patronage or appointing power of the President,

A message from the House of Representatives, by Mr. Crockett, their Clerk:

Mr. Speaker: The House of Representatives are now ready to receive the Senate in their hall for the purpose of going into the several elections set apart for this day.

And then he withdrew. Whereupon the Speaker and gentlemen of the Senate repaired to the hall of the House of Representatives, and thereupon the two houses of the General Asssembly proceeded, viva voce, to the election of an Attorney General for the Second Solicitorial District, Ebenezer Alexander and Robert B. Reynolds being in nomination.

Those who voted for R. B. Reynolds were,

Messrs. Aiken, Balch, Coe, Gillespie, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Love—14.

Those who voted for Ebenezer Alexander were,

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall Reneau, Sevier, Terry and Walton—11.

The vote being taken by the House of Representatives, it appeared that the aggregate vote was for Reynolds fifty and for Alexander forty-seven. Whereupon the Speaker of the Senate declared Robert B. Reynolds duly and constitutionally elected Attorney General for the 2d Solicitorial District.

The two houses proceeded in like manner to the election of a Chancellor for the Western Division; Andrew M'Campbell and George W. Gibbs being in nomination.

Those who voted for M'Campbell were Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Smith, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Love—13.

Those who voted for Mr. Gibbs were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Laughlin, Marshall, Reneau, Sevier, Terry and Walton—12.

The vote being continued by the House of Representatives, it appeared that there were for M'Campbell fifty-three and for Gibbs forty-four. Whereupon the Speaker of the Senate declared that Andrew M'Campbell was duly and constitutionally elected Chancellor for the Western Division of this State.

The two houses next proceeded in like manner to the election of a Register for the Western District, Wm. O. Butler being in nomination; and there being no opposition, received the entire vote of the Senate, which being continued by the House of Representatives, the aggregate vote for Butler was 96. Whereupon the Speaker of the Senate declared that Wm. O. Butler was duly and constitutionally elected register of the Western District of this State.

The two houses proceeded in like manner to the election of Register for the Hiwassee District, James S. Bridges being in nomination, and there being no opposition, received the entire vote of the Senate, and the election being continued by the House of Representatives, the aggregate vote for Bridges was 96. Whereupon the Speaker of the Senate declared James S. Bridges duly and constitutionally elected Register of the Hiwassee District.

The two houses next proceeded in like manner to the election of a Register for East Tennessee, Drury P. Anderson and James J. H. Porter being in nomination.

Those who voted for Porter were

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Reneau, Smith, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Love—15.

Those who voted for Mr. Armstrong were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Sevier, Terry and Walton—10.

The vote being continued by the House of Representatives, there were total for Porter fifty-five, for Armstrong forty-one. Whereupon the Speaker of the Senate declared James J. H. Porter duly and constitutionally elected Register of East Tennessee.

And thereupon the Speaker and gentlemen of the Senate returned to their own chamber.

Mr. Gillespy's resolution of yesterday, directory to the Secretary of State, was taken up and read.

Mr. Gillespy offered the following amendment thereto, to wit:

*Resolved*, That each board report the entire expenditures of the company in tabular form, and that said reports be communicated to this General Assembly by said boards.

Said amendment was accepted, the resolution read as amended and adopted.

*Ordered*, That the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

On motion of Mr. Yoakum,

*Ordered*, That the preamble and resolutions in relation to the late suspension of specie payments by the Bank of Tennessee, be made the order of the day for Monday next.

And then the Senate adjourned.

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MONDAY MORNING, Oct. 28, 1839.

Mr. Terry presented the petition of sundry citizens of Hamilton county, praying the passage of a law incorporating the town of Chattanooga in said county, which was read and ordered to the table.

Mr. Gillespy presented a petition from sundry citizens of Bradley county, praying that the benefits of the occupant law may be extended to them, which was referred on his motion to the committee on the Ocoee lands.

Mr. Laughlin introduced

A Bill to ascertain and equalize the prison bounds throughout the State, which was read the first time and passed.

The Senate next proceeded to the consideration of the order of the day, being the resolutions heretofore submitted by Mr. Gillespy in relation to the suspension of specie payments by the Bank of Tennessee.

Mr. Balch moved the following as an amendment in lieu of the second resolution:

*Resolved*, That said bank and its branches are hereby directed to make specie payments, and at all times to observe a strict and honest compliance with their contracts.

Mr. Brown offered the following in lieu of the amendment offered by Mr. Balch:

*Be it further resolved*, That it shall be the duty of the committee on banks, to enquire into the expediency of winding up the concerns of the Bank of Tennessee and its branches, in case it should fail to redeem in specie promptly all demands against the bank and branches, and also, into the propriety of issuing a scire facias against all other chartered banks in the State, which have violated their chartered rights.

Mr. Gillespy moved to lay said amendment on the table, and the question thereon being had, it was determined in the affirmative—ayes 19; noes 4.

The yeas and nays being demanded, the affirmative voters were

Messrs. Aiken, Anderson, Ashe, Balch, Coe, Frey, Gaines, Gillespy, Jennings Jones of Hickman, Jones of Lincoln, Laughlin, Reneau, Sevier, Smith, Terry, Warner, Yoakum and Mr. Speaker Love—19.

The negative voters were

Messrs. Brown, Turney, Walton and Wheeler—4.

Mr. Turney moved the indefinite postponement of the resolutions and amendment, which failing

Mr. Wheeler moved to lay them on the table until the 25th day of

November next, and the question thereon being had, it was determined in the negative—ayes 10; noes 13.

The ayes and noes being demanded, the affirmative voters were,

Messrs, Coe, Jennings, Jones of Hickman, Laughlin, Reneau, Smith, Turney, Frey, Warner and Wheeler—10.

Those who voted in the negative were,

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Gaines, Gillespy, Jones of Lincoln, Sevier, Terry, Walton, Yoakum and Mr. Speaker Love—13.

The question then recurred upon the adoption of the amendment proposed by Mr. Balch, and was determined in the affirmative—ayes 20; noes 3.

The yeas and nays being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Coe, Frey, Gaines, Gillespy, Jennings, Jones of Lincoln, Laughlin, Reneau, Sevier, Smith, Terry, Warner, Wheeler, Yoakum and Mr. Speaker Love—20.

Those who voted in the negative, were

Messrs. Jones of Hickman, Turney and Walton—3.

Mr. Jennings moved a division of the question upon the adoption of the resolutions as amended, so as to take the sense of the Senate on the first and second clauses thereof separately, which motion was lost. Whereupon the question was had upon the adoption of the resolutions and determined in the negative—ayes 9; noes 14.

The yeas and nays being required, those who voted in the affirmative were

Messrs. Aiken, Balch, Brown, Gillespy, Jones of Lincoln, Terry, Wheeler, Yoakum and Mr. Speaker Love—9.

Those who voted in the negative were,

Messrs. Aiken, Ashe, Coe, Frey, Gaines, Jennings, Jones of Hickman, Laughlin, Reneau, Smith, Sevier, Turney, Walton and Warner—14.

And so said resolutions were rejected.

Mr. Jennings presented a joint communication from the president of the Union and Planter's Banks. And

Mr. Coe a communicatlon from the president of the Bank of Tennessee, which was read and referred to the committee on banks.

Mr. Coe submitted the following:

*Resolved*, That so much of a resolution heretofore passed as directs the president and directors of the Bank of Tennessee, to publish to the Senate the names of the several debtors to the bank (with their endorsers) be so modified as to instruct the committee on banks to examine the list of debtors to said bank and branches with their securities, and report whether any undue favoritism has been practiced, or injustice done in granting accommodations by said bank and branches, or any other malpractices, which in their opinion may require correction.—Also that they report the amount loaned to each county and number of borrowers in each separately, and the situation of said debtors as to pecuniary responsibility.

Then the Senate adjourned.

TUESDAY MORNING, Oct. 29. 1839.

Mr. Wheeler presented a petition from sundry citizens of Campbell county, upon the subject of State prosecutions, which was read and referred to the committee on the judiciary.

Mr. Turney presented a petition of sundry citizens of Overton, Jackson and White counties, praying the establishment of a new county, which was referred to the committee on new counties and county lines.

The Speaker presented a report from the cashier of the Bank of Tennessee, which was referred to the committee on Banks.

Mr. Terry introduced

A Bill to establish the town of Chattanooga and to incorporate the inhabitants thereof. And

Mr. Jones of Hickman introduced

A Bill to protect the owners of mills in the profitable enjoyment of their rights.

Which bills were severally read the first time, passed and referred to the committee on the Judiciary.

Mr. Yoakum introduced

A Bill for the benefit of creditors of the Bank of Tennessee: which was read and passed.

A message from the House of Representatives, by Mr. Crockett their clerk.

Mr. Speaker: The House of Representatives have taken up the resolution of the Senate directory to the Secretary of State, and propose amending the same by striking out the words 'Secretary of State' and inserting the word 'Comptroller' where they occur and in lieu thereof.

On motion of Mr. Jones of Hickman, said amendment was concurred in.

*Ordered*, That the clerk acquaint the House of Representatives therewith.

On motion of Mr. Coe, the Senate took up the resolution submitted by him on yesterday, amendatory of the resolution heretofore adopted, directory to the President and Directors of the Bank of Tennessee, which was adopted.

Mr. Yoakum submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That the Bank of Tennessee and branches be directed forthwith to resume and continue the payment of specie upon presentation of all notes payable at said Bank or branches respectively, of and under the denomination of ten dollars.

Mr. Jennings submitted the following:

*Resolved*, That the committee on banks be directed to call on the President and Directors of the Bank of Tennessee, to know from them individually whether the political sentiments of applicants for loans ever came into discussion during the deliberations of said officers on the subjects of the discounts of said banks, and whether to the best of the knowledge and belief of said officers, a regard to the political sentiments of the drawers or endorsers of any bill or note ever influenced

the decision of the Directory in relation to its passage or rejection.

Mr. Laughlin introduced the following:

Whereas, laws directory and penal in their provisions, to be executed under judicial and ministerial authority, have been found to be the only constitutional and effective remedy for all violations of chartered privileges and other misconduct of banks and corporations; and whereas, suspensions of specie payment, as required by law, in the redemption of notes of circulation and other bona fide debts, constitute violations of one of the lawful conditions upon which charters have been granted by the General Assembly of this State to the Bank of Tennessee, including its branches; to the Union Bank of Tennessee including its branches; to the Planters Bank of Tennessee including its branches; and to the Farmers and Merchants Bank of Memphis; and

Whereas, such suspension of payment have a direct tendency to impair the public credit of the State and to produce loss, embarrassment and inconvenience to the people at large by the depreciation of the notes of said banks, and a general depreciation of the value of property; and therefore

1. *Resolved*, That the committee on Banks be instructed to enquire and report by bill or bills such remedy as may be deemed proper and effectual to ensure and enforce an early resumption of specie payments, and a continuance of the same, by all or any of said banks.

2. *Resolved*, That said committee be also instructed to enquire into and report, if any such exist, all such facts, transactions, misconduct or abuse of chartered privileges on the part of said banks, or either of them, as may come to the knowledge of said committee in the investigation of the affairs and condition of said Banks.

3. *Resolved*, That the said committee also be instructed to inquire into and report what remedy, if any, is proper and necessary in the regulation and equalization of the salaries of the officers of the Bank of Tennessee and its branches; and what remedy it may be proper and necessary to provide for the restriction and prohibition of said bank and branches from purchasing real estate, and in expenditures in erecting banking houses.

4. *Resolved*, That said committee be also instructed to enquire into and report whether any, and if any, what rate of interest or amount of damages shall hereafter be allowed to holders of the notes, checks, bills, deposits, certificates of deposite, balances due on settlement, and other bona fide debts and liabilities of said banks, whose claims and debts may have been refused to be paid on presentment to any of said banks or branches when due and payable.

5. *Resolved*, That said committee be instructed to enquire and report whether any, and if any, what lawful restriction it may be necessary and proper hereafter to impose on any of said banks in declaring and paying out dividends.

6. *Resolved*, That said committee be also instructed to enquire and report such order and direction as it may be deemed proper and necessary to be given to the Attorney General in any contingency, if any such shall arise, in the affairs of said banks or either of them, which

shall require any prosecution by writ of scire facias or otherwise, either to rescind or repeal their charters, or to enforce a compliance and fulfilment of legal obligations and duties.

7. *Resolved*, That said committee be instructed to enquire and report, if any, what modifications and restrictions it may be proper to impose upon all joint stock banks in this State in altering or amending their charters.

Mr. Yoakum submitted the following:

*Resolved*, That a joint select committee of three members on the part of the Senate and five members on the part of the House of Representatives, be appointed to inquire into the situation of the common school monies of this State; whether the superintendent of public instruction has used due diligence in collecting the common school monies; whether he has properly invested the said monies as by law he is required; whether he has distributed the sums by him required to be distributed for the benefit of schools; and whether there has been any waste or loss of said school monies, or any part thereof since the appointment of said superintendent, and that said committee have power to send for and examine witnesses and papers.

Mr. Turney introduced

A Bill to refund to John B. Rodgers certain monies paid by him for the use of the State, which was read the first time, passed, and referred to the committee on claims. And

A Bill to ascertain and equalize the prison bounds in this State. And

A Bill to alter the time of holding the circuit courts in Robertson county. And

A Bill for the benefit of James Brown of Monroe county, were severally read a second time and passed. And

A Bill to appropriate money to the payment of the Union Bank, was taken up, on motion of Mr. Wheeler, and referred to the committee on finance. And

A Bill giving further time for surveying entries and obtaining grants thereon, was read a second time, passed, and referred to the committee on public lands.

On motion of Mr. Coe, the Senate took up the resolutions heretofore submitted by him, instructing our Senators and requesting our Representatives in Congress in relation to certain subjects therein referred to. Whereupon Mr. Reneau moved a division of the question so as to take the sense of the Senate on the adoption of each resolution separately; and the question thereon being had, it was determined in the negative—ayes 11; noes 12.

The yeas and nays being demanded, the affirmative voters were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Marshall, Sevier, Terry, Reneau, Walton and Yoakum—11.

The negative voters were

Messrs. Aiken, Balch, Gillespy, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Coe, Turney, Warner, Wheeler and Mr. Speaker Love—12.

Mr. Brown moved to amend the first resolution by striking out

"against," and inserting in lieu thereof the words "for," and the question thereon being had, it was determined in the negative—ayes 10; noes 13.

The yeas and nays being demanded, the affirmative voters were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Marshall, Reneau, Sevier, Terry and Walton—10.

The negative voters were

Messrs. Aiken, Balch, Coe, Gillespy, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Love—13.

Mr. Anderson offered the following amendment in lieu of the second resolution:

*Resolved*, That a corporation is much safer than any individual agent, however responsible he may be, because it consists of an association of individuals who have thrown together their aggregate wealth, and who are bound in their corporate character to the extent of their whole capital stock for the deposite, and that it is the opinion of this General Assembly that the heaviest security which the most wealthy individual could give, would not make the public deposites safe at the point of a large collection.

Mr. Yoakum moved to lay the amendment on the table until the 25th Dec. next; and the question thereon being had, it was determined in the affirmative—ayes 13; noes 11.

The yeas and nays being demanded, the affirmative voters were

Messrs. Aiken, Balch, Coe, Gillespy, Jones of Hickman, Jones of Lincoln, Laughlin, Smith Turney, Warner, Wheeler, Yoakum and Mr. Speaker Love—13.

Those who voted in the negative, were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier, Terry and Walton—11.

Mr. Anderson thereupon offered the following amendment in lieu of the said second resolution:

*Resolved*, That we have confidence in the ability and capacity of the State Banks to perform all the duties of fiscal agents for the Government.

Mr. Coe moved to lay said amendment on the table until the 25th day of Dec. next; and the question thereon being had, it was determined in the affirmative—ayes 19; noes 5.

The ayes and noes being demanded, the affirmative voters were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Coe, Frey, Gaines, Jennings, Jones of Hickman, Laughlin, Reneau, Smith, Terry, Turney, Walton, Warner, Wheeler, Yoakum, and Mr. Speaker Love—19.

The negative voters were

Messrs. Gillespy, Jones of Lincoln, Marshall, Sevier and Yoakum, 5.

Whereupon Mr. Anderson offered the following amendment:

*Resolved*, That the Independent Treasury is disorganizing and revolutionary and subversive of the fundamental principles of our government, and of its entire practice from 1789 down to this day, and that it is as palpable as the sun that the effect of the scheme would be to

bring the public treasure much nearer the actual custody and control of the President, and expose it to be plundered by a hundred hands when one under the late system could not reach it. In such event we feel that the people had just cause for alarm, and ought to give their most watchful attention to such an effort to enlarge executive power and put in its hands the means of corruption. And the question thereon being had, it was determined in the negative—ayes 11; noes 13.

The ayes and noes being demanded the affirmative voters were,

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier, Terry and Walton—11.

The negative voters were,

Messrs. Aiken, Balch, Coe, Gillespy, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Love—13.

The Senate adjourned.

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WEDNESDAY MORNING, Oct. 30, 1839.

Mr. Wheeler presented the petition of John Wallen, a citizen of Claiborne county, which was read and referred to the committee on the judiciary. And

Mr. Jones the petition of sundry citizens of Hickman and Dickson counties, praying the repeal of the charter for a turnpike from Nashville to John Hardin's, and for the reopening of the old road, which on motion of Mr. Marshall was laid on the table.

The Speaker presented a report from the clerk and master of the Chancery Court at Columbia, which was referred to the committee on the judiciary. Also

A Report from the comptroller of the Treasury upon the subject of expenditures on account of surveys of the routes for the Central Rail Road, Turnpike, and the Tennessee and Big Hatchie Canal, which on motion of Mr. Yoakum was referred to the committee on internal improvements.

Mr. Yoakum submitted the following:

*Resolved*, That the door-keeper of the Senate, be directed to employ some person to repair the stoves in the Senate, or to purchase new stoves as may be thought best.

And the rule requiring resolutions to lie one day on the table being suspended, said resolution was adopted.

A message from the House of Representatives by Mr. Crockett, their Clerk:

Mr. Speaker: The House of Representatives have adopted a resolution proposing to go into the election of Treasurer, Comptroller of the Treasury, Attorney General of the State, and Register of the Mountain District on Wednesday the 6th day of November, in which they ask the concurrence of the Senate. I am also directed to transmit to the Senate two petitions from sundry citizens of Giles county, in relation to the selling of spirituous liquors.

And then he withdrew. Whereupon the Senate resumed the consideration of the resolutions submitted by Mr. Coe, instructing our Senators and requesting our Representatives upon certain subjects therein mentioned, when,

Mr. Brown moved to amend the second resolution, by inserting after the words "Sub Treasury Bill," the words "with the specie clause."

Mr. Coe moved to lay said amendment on the table; the question thereon being had, it was determined in the affirmative, ayes 16; noes 8.

The ayes and noes being demanded, the affirmative voters were

Messrs. Aiken, Anderson, Ashe, Balch, Coe, Frey, Gaines, Gillespy, Jones of Hickman, Laughlin, Smith, Terry, Walton, Warner, Wheeler and Mr. Speaker Love—16.

Those who voted in the negative were,

Messrs. Brown, Jennings, Jones of Lincoln, Marshall, Reneau, Sevier, Turney and Yoakum—8.

Mr. Gaines moved to amend by inserting after the words "Sub Treasury Bill" in the second resolution, the words "without the specie clause."

Mr. Coe moved to lay said amendment on the table, and the question thereon being had, it was determined in the negative—ayes 11; noes 13.

The ayes and noes being demanded, the affirmative voters were

Messrs. Aiken, Balch, Coe, Jones of Hickman, Jones of Lincoln, Smith, Turney, Warner, Wheeler and Mr. Speaker Love—11.

The negative voters were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Gillespy, Jennings, Marshall, Reneau, Sevier, Terry, Walton and Yoakum—13.

The question thereupon recurred on the adoption of the amendment, and was determined in the negative by the unanimous vote of the Senate, Mr. Hardwicke being absent.

Mr. Jennings moved to amend by inserting after the words "Sub Treasury Bill," the following with a provision for the issuance of Treasury Notes for dues to the government, but irredeemable in specie; and the question thereon being had, it was determined in the negative by the unanimous vote of the Senate; Mr. Hardwicke being absent.

Mr. Jones of Hickman offered the following amendment:

*Resolved by the General Assembly of the State of Tennessee,* That our Senators in Congress be instructed and our Representatives requested to endeavor to compel the Government of the United States to receive the notes of any State Bank and branches in the United States, that have no individual stockholders, and that the faith of the State is pledged for the redemption of each and every note that is issued by said banks and branches, so long as said banks and branches shall continue to redeem their notes at the counter, when presented, with gold and silver, or evidences of debt against the United States. And provided also, that said bank and branches will show to the Congress of the United States at each session thereof by a sworn statement made by the presidents and cashiers of said banks and branches, or such other person or persons as the Congress of the United States may

require, showing that said bank or banks liabilities in every way does not exceed three dollars for every one dollar in gold and silver, or evidences of debt against the United States, that said banks or branches have in their vaults or possession belonging to said banks or branches.

Mr. Brown offered the following in lieu of the amendment offered by Mr. Jones:

*Resolved*, That our Senators in Congress be instructed and our Representatives requested to lend their support to the law requiring the officers of the treasury to receive the notes of all specie paying banks in discharge of the public dues, and in payment for public lands; and the question thereon being had, it was determined in the affirmative, ayes 15; noes 9.

The ayes and noes being demanded, the affirmative voters were

Messrs. Anderson, Ashe, Brown, Coe, Frey, Gaines, Gillespy, Hardwicke, Jennings, Laughlin, Marshall, Reneau, Sevier, Turney, Terry and Walton—16.

The negative voters were,

Messrs. Aiken, Balch, Jones of Hickman, Jones of Lincoln, Smith, Warner, Wheeler, Yoakum and Mr. Speaker Love—9.

The question then recurred upon the adoption of Mr. Jones' amendment as amended, and was determined in the negative—ayes 10; noes 14.

The ayes and noes being demanded, the affirmative voters were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier and Walton—10.

Those who voted in the negative are,

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Love—14.

And thereupon the Senate adjourned.

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THURSDAY MORNING, Oct. 31, 1839.

The Speaker presented a report from the Clerk of the Chancery Court at M'Minnville, which on motion of Mr. Marshall was referred to the committee on the Judiciary.

The resolution from the House of Representatives, proposing to go into the election of sundry officers on Wednesday next, was taken up and concurred in, with the exception of so much as relates to the election of a register of the Mountain District, which was on motion of Mr. Turney non-concurred in.

*Ordered*, That the clerk acquaint the House of Representatives therewith.

Mr. Marshall submitted the following:

*Resolved*, That the President and Directors of the Bank of Tennessee forthwith report to the Senate so much of the journal or minutes of their proceedings as relates to the late suspension of specie payments by the Bank.

The rule requiring resolutions to lay one day on the table being suspended, on motion of Mr. Marshall, said resolution was adopted.

Mr. Jennings submitted the following:

*Resolved*, That the committee on Banks be instructed to enquire whether the Government of the United States has of late shown any undue favoritism in relation to the distribution of the public deposites so as to endanger the solvency of the banks of some States, in order that the Banks of other States might be sustained for electioneering purposes.

A message from the House of Representatives by Mr. Crockett, their clerk.

Mr. Speaker: I am directed by the House of Representatives to transmit to the Senate the petitions of James Spencer, E. Hess, James W. Smith, A. M. Rawlings and Robert Cosby.

And then he withdrew.

Mr. Coe presented the following communication from the President of the Bank of Tennessee, viz:

*To the Honorable, the Senate:*

In obedience to a resolution of your honorable body, requiring information on the subject of the late suspension of the Bank of Tennessee, I herewith transmit an extract from the minutes of the board:

"NASHVILLE, Oct. 19, 1839.

"At a called meeting of the Board of Directors of this Bank, present, Messrs. President Nichol, Campbell, Shelby, Clay, Horton, Currin, Perkins and Waters, Dr. Shelby offered the following resolution and moved its adoption:

"*Resolved*, That the Bank of Tennessee suspend specie payments forthwith. Which motion was seconded by Mr. Clay; and the question upon the adoption of the resolution being taken, and the yeas and nays demanded, the affirmative voters were Messrs. Shelby, Horton, Clay and Campbell—4.

"The negative voters were Messrs. President Nichol, Perkins, Waters and Currin—4. And so said resolution failed.

"Mr. Campbell offered the following resolution and moved its adoption:

"*Resolved*, That this bank suspend the payment of specie for the present; which resolution was seconded by Dr. Waters, and the question upon the adoption of the resolution being taken, and the yeas and nays demanded, the following were the affirmative voters: Messrs. Horton, Shelby, Clay, Waters, Currin and Campbell—5.

"The negative voters were, Messrs. President Nichol and Perkins, 2. And so said resolution was adopted."

Respectfully submitted,

WM. NICHOL, Pres.

"A true copy from the minutes of the board,

HENRY EWING, Cashier.

On motion of Mr. Marshall, said communication was ordered to the table.

The Senate then resumed the consideration of the resolutions in-

structing our Representatives upon certain subjects therein mentioned: whereupon

Mr. Jennings moved to amend by adding to the second resolution the following:

And that for the more perfect fulfilment of this object, our Senators in Congress be instructed and our Representatives be requested to vote for an amendment to the sub-treasury bill which last received the sanction of the Senate of the United States, so that said bill will forbid the Secretary of the Treasury or any other officer of the Treasury Department of the Union to purchase with the monies of the people, any note, bill or draft drawn by any individual or set of individual or by any banking corporation.

And then the Senate adjourned.

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FRIDAY MORNING, NOV. 1, 1839.

Mr. Terry introduced

A Bill for the relief of certain enterers of land in the Ocoee district, which passed the first reading, and on motion of Mr. Terry, was referred to the committee on Ocoee lands.

On motion of Mr. Terry,

*Ordered*, That the committee on internal improvements, be discharged from the further consideration of a petition from citizens of Hamilton county, praying the incorporation of a company to construct a rail road from Vanville to intersect the Western and Atlantic rail road of Georgia, and that said petition be transmitted to the House of Representatives.

A message from the House of Representatives by Mr. Crockett their Clerk:

Mr. Speaker: I am directed by the House of Representatives to transmit to the Senate, the report of R. C. K. Martin, Secretary and Treasurer of the Lunatic Assylum The House of Representatives concur with your resolution directory to the Secretary of State, and nonconcur with your proposed amendment to their resolution providing for the election of certain officers on Wednesday next.

And then he withdrew. Whereupon the Senate resumed the consideration of the unfinished business of yesterday, being the resolutions heretofore submitted by Mr. Coe, directory to our Senators and Representatives in Congress; and after some time spent in the discussion thereof,

The Snate then adjourned until to-morrow.

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SATURDAY MORNING, NOV. 2, 1839.

Mr. Warner presented a petition from sundry citizens of Lewisburg in the county of Marshall, praying that certain powers and privileges be granted to the corporate authorities of said town, which on his motion was referred to the committee on the judiciary.

On motion of Mr. Yoakum,

*Ordered*, That Mr. Jones of Hickman be added to the committee on public lands.

Mr. Aiken submitted the following:

*Resolved*, That the committee on banks, be instructed to enquire into the expediency of establishing a Branch of the Bank of Tennessee, in the town of Jonesborough, in the county of Washington.

The rule requiring resolutions to lie one day on the table being suspended, said resolution was adopted.

The Senate next took up the resolutions heretofore submitted by Mr. Coe, directory to our Senators and Representatives in Congress. Whereupon,

Mr. Reneau moved that the Senate adjourn until Monday morning 9 o'clock; the question thereon being had, it was determined in. the negative—ayes 9; noes 12.

The ayes and nays being demanded, the affirmative voters were

Messrs. Aiken, Anderson, Ashe, Frey, Gaines, Marshall, Reneau, Sevier and Walton—9.

The negative voters were

Messrs. Balch, Brown, Coe, Hardwicke, Jones of Hickman, Laughlin, Smith, Terry, Warner, Wheeler, Yoakum and Mr. Speaker Love; 12.

Mr. Marshall moved to lay the resolutions on the table; and the question thereon being had, it was determined in the negative—ayes 9; noes 16.

The ayes and noes being demanded, the affirmative voters were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Reneau, Sevier and Terry—9.

The negative voters were

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Smith, Turney, Walton, Warner, Wheeler, Yoakum and Mr. Speaker Love—16.

Mr. Marshall thereupon renewed the motion to adjourn until Monday 9 o'clock; and the question thereon being had, it was determined in the affirmative—ayes 14; noes 11.

The ayes and nays being demanded, the affirmative voters were

Messrs, Aiken, Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier, Terry, Walton, Wheeler and Mr. Speak-Love—14.

The negative voters were

Messrs. Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner and Yoakum—11.

And so the Senate adjourned.

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MONDAY MORNING, NOV. 4, 1839.

A Bill to ascertain and equalize the prison bounds throughout the State, was read a third time, and the question "shall this bill pass" being thereon had, it was determined in the affirmative—ayes 18, noes 2.

The yeas and nays being demanded, the affirmative voters were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Smith, Walton, Warner, Wheeler and Mr. Speaker Love—18.

The negative voters were

Messrs. Frey and Terry—2.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives:

A message from the House of Representatives, by Mr. Winchester, their Assistant Clerk:

Mr: Speaker: The House of Representatives concur with the Senate's preamble and resolutions nomina ting Martin Van Buren and Jas. K. Polk as candidates for President and Vice President of the United States, and non-concur with your resolution making the Committees on Education and Common Schools and Federal Relations joint committees.

And then he withdrew.

The Senate resumed the consideration of the preamble and resolutions instructing our Senators and requesting our Representatives in the Congress of the United States to vote for some and against other measures therein mentioned.

And then the Senate adjourned.

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TUESDAY MORNING, NOV. 5, 1839.

Mr. Terry presented the petition of sundry citizens of the town of Dallas and its vicinity, praying that Daniel J. Rawlings, a citizen of said town, be permitted to build a mill on a certain sluice of Tennessee river, which was read and ordered to the table.

Mr. Warner presented the petition of two hundred and twenty-six gentlemen and one hundred and thirty-seven ladies of Bedford and Marshall counties, remonstrating against the repeal of the tippling act of 1837-8, which was read, and on his motion ordered to be transmitted to the House of Representatives.

A message from the House of Representatives by Mr. Winchester, their Assistant Clerk:

Mr. Speaker: The House of Representatives insist on a concurrence with so much of their resolution as proposes to go into an election of a Register for the Mountain District to-morrow.

And then he withdrew.

Mr. Warner moved to lay the foregoing message on the table; which motion was lost.

Mr. Gillespy then moved to amend the resolution so as to bring on the election on Thursday next, which motion was also rejected.

Mr. Smith then moved to lay it on the table until two o'clock this evening, which motion prevailed.

Mr. Yoakum introduced

A Bill requiring a distribution of the interest of the common school monies of the counties of Davidson, Rutherford and Bedford, which was

read a first time, passed, and referred on motion of Mr. Yoakum to the committee on education and common schools.

The Senate resumed the consideration of the preamble and resolutions directory to our Senators in the Congress of the United States, and after some discussion being had thereon, the Senate adjourned until half after two o'clock this evening.

Half after two p. m. the Senate took up and considered the insisting message from the House of Representatives to elect a register for the Mountain District on to-morrow.

Mr. Smith moved a non-concurrence which prevailed.

*Ordered*, That the Clerk acquaint the House of Representatives therewith.

A Bill from the House of Representatives to suspend so much of an act entitled an "act to establish a State Bank, to raise a fund for internal improvement and to aid in the establishment of a system of education, passed the 19th day of Jan. 1838, as authorizes and requires the executive of the State to issue the bonds of the State," was read a first time and passed.

The Senate again resumed the consideration of the preamble and resolutions directory to our Senators and Representatives to the Congress of the United States, and after some time spent in the discussion thereof,

Then the Senate adjourned.

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WEDNESDAY MORNING, NOV. 6, 1839.

The petitions of sundry citizens of Giles county, remonstrating against a repeal of an act, entitled "an act to repeal all laws licensing tippling houses and for other purposes, was on motion of Mr. Jones of Lincoln, ordered to be transmitted to the House of Representatives.

Mr. Speaker Love presented returns from James B. Rutland, clerk and master of Wilson chancery court; D. L. Morrison, clerk and master of the chancery court at Pulaski; and Robert P. Harrison, clerk and master of the 6th chancery district; made in obedience to a resolution of the Senate, adopted the 19th Oct. 1839, sohwing the number of suits transferred to their respective courts from the different circuit courts, which was ordered to be referred to the committee on the judiciary.

A Bill to suspend so much of an act entitled an act to establish a State Bank, to raise a fund for internal improvement, and to aid in the establishment of a system of education passed the 19th Jan. 1838, as authorizes and requires the executive of the State to issue the bonds of the State, was taken up on its second reading.

Mr. Gillespy moved to amend by striking from the proviso, all that part thereof after the words "recited act."

Mr. Balch thereupon asked and obtained leave to withdraw the same for amendment.

A message from the House of Representatives by Mr. Crockett, their clerk.

Mr. Speaker: The House of Representatives are now ready to receive the Senate for the purpose of going into the several elections set apart for this day.

And then he withdrew. Whereupon the Speaker and Gentlemen of the Senate repaired to the Hall of the House of Representatives, and thereupon the two Houses proceeded viva voce, to the election of an Attorney General for the State; West H. Humphries and Return J. Meigs being in nomination.

Those who voted for Mr. Humphries were

Messrs. Aiken, Balch, Coe, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Love—13.

Those who voted for Mr. Meigs were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Gillespy, Jennings, Marshall, Reneau, Sevier, Terry and Walton—12.

The votes being continued by the House of Representatives, it appeared that the aggregate vote was for Humphries—51; for Meigs—47; two scattering. Whereupon the Speaker declared West H. Humphries of the county of Fayette, duly and constitutionally elected Attorney General of the State of Tennessee.

The two Houses proceeded in like manner to the election of Comptroller of the Treasury. Daniel Graham Esq. alone being in nomination, received the entire vote of the Senate (except Mr. Jennings,) who voted for Mr. Meigs.

The vote being continued by the House of Representatives, the aggregate vote was for Graham, 97. Whereupon the Speaker of the Senate declared Daniel Graham, to be duly and constitutionally elected.

The two Houses proceeded in like manner to the election of a Treasurer for the State. Miller Francis, Joel M. Smith and E. Dibrell Esqs. being in nomination.

Those who voted for Mr. Francis, were

Messrs. Aiken, Ashe, Anderson, Balch, Brown, Frey, Gaines, Gillespy, Jennings, Jones of Hickman, Laughlin, Reneau, Sevier, Terry, Turney, Walton, Wheeler and Mr. Speaker Love—18.

Those who voted for Mr. Smith, were

Messrs. Coe, Hardwicke, Jones of Lincoln, Marshall, Warner and Yoakum—6.

Mr. Smith voting for Mr. Dibrell—1.

The voting continued by the House of Representatives. The aggregate vote stood for Francis, 61; for Smith, 32; for Dibrell, 5; two scattering. Whereupon the Speaker of the Senate declared Miller Francis, Esq., duly and constitutionally elected Treasurer of the State of Tennessee.

And thereupon the Speaker and Gentlemen of the Senate returned to their own chamber.

Mr. Balch returned with an amendment, in lieu of the whole from the enacting clause, a Bill to suspend so much of an act, entitled an

act to establish a State Bank, to raise a fund for internal improvement, and to aid in the establishment of a system of education, passed 19th Jan. 1838.

The said Bill and amendment were on motion of Mr. Balch, ordered to the table.

The Senate again resumed the consideration of the preamble and resolutions directory to our Senators and Representatives in the Congress of the United States, and after spending some time in the discussion thereof,

The Senate adjourned.

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THURSDAY MORNING, NOV. 7, 1839.

Mr. Jones of Lincoln introduced

A Bill to extend the corporate limits of the town of Fayetteville, in Lincoln county. Which was read a first time and passed.

The petition of sundry citizens of Dallas, praying certain privileges therein named, heretofore presented by Mr. Terry, was on his motion taken up and ordered to be transmitted to the House of Representatives.

Mr. Hardwicke submitted the following:

*Resolved*, That the superintendent of the Penitentiary make to this Senate the report he is directed by law to make to the General Assembly, as soon as practicable.

And the rule requiring resolutions to lie one day on the table being suspended, the said resolution was adopted.

The Senate then resumed the preamble and resolutions directory to our Senators and Representatives in the Congress of the United States, and after some time spent in the discussion thereof,

The Senate adjourned.

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FRIDAY MORNING, NOV. 8, 1839.

Mr. Smith, from the committee on enrollments, reported as correctly enrolled, an act to repeal the second section of an act entitled an act to extend the corporation of the town of Murfreesborough and for other purposes; passsed the 26th day of December, 1837. And also

An act to authorize the county courts to purchase and hold sites for offices for clerks of the county courts, and other county officers. Both of which were signed by the Speaker of the Senate and ordered to be transmitted to the House of Representatives.

Mr. Gillespy introduced,

A Bill for the benefit of Charles Lain of Bradley county, accompanied with a memorial from that individual which was read a first time, passed, and on motion of Mr. Reneau ordered to be referred to the committee on the judiciary.

A Bill to extend the corporate limits of the town of Fayetteville in Lincoln county, was read a second time and passed.

Mr. Laughlin submitted the following:

*Resolved*, That the Comptroller of the Treasury be required to report to the Senate at as early a day as practicable, what amount has been ascertained by judgment or award to have been due from the late Joel Parish as cashier of the late State Bank and his securities to the State of Tennessee, or to the Common School Fund, and when the amount of the same has been ascertained to be due, from what persons as securities the same has been ascertained to be due, with the proportion of each, and the amount of such judgment or award which has been paid, and by whom paid, and the balance or balances due, and from whom due.

And the rule being suspended, on motion of Mr. Laughlin, said resolution was adopted.

The Senate again resumed the consideration of the preamble and resolutions directory to our Senators and Representatives in the Congress of the United States, and after some time spent in the discussion thereof, the Senate adjourned until half after 6 o'clock this evening.

Half past 6 p. m. the Senate met according to adjournment, and resumed the consideration of the Instructing Preamble and Resolutions, and after some discussion had thereon, the amendment of Mr. Jennings offered on the 31st Oct., was taken up and read.

Mr. Jones of Hickman moved to lay the said amendment on the table, and thereupon the question was had and determined in the affirmative—ayes 12; noes 11.

The ayes and noes being demanded, the affirmative voters were

Messrs. Aiken, Balch, Coe, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Warner, Wheeler, Yoakum and Mr. Speaker Love—12.

Those who voted in the negative were,

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Gillespy, Jennings, Marshall, Reneau, Sevier and Terry—11.

And so said amendment was ordered to the table.

Mr. Wheeler moved the adoption of the two first sections of the preamble. And thereupon the question was had and determined in the affirmative—ayes 13, noes 10:

The ayes and nays being demanded, the affirmative voters were

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Warner, Wheeler, Yoakum and Mr. Speaker Love—13.

The negative voters were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier and Terry—10.

And so said first two sections were adopted.

The third section was thereupon read and adopted—ayes 22.

The ayes and nays being demanded, the affirmative voters were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Coe, Frey, Gaines, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln,

Laughlin, Marshall, Reneau, Sevier, Smith, Terry, Warner, Wheeler Yoakum and Mr. Speaker Love—22.

And so said third section was adopted.

The fourth section of the said preamble being read, Mr. Jennings offered an amendment in lieu of the same, in lieu of which he accepted the following offered by Mr. Brown, to wit: "But this General Assembly deem no time proper for officers depending upon the Executive of the U. States to attempt to control or influence the free exercise of the elective right—freedom of election being essential to the mutual independence of Government, and of the different branches of the same Government, so vitally cherished by most of our Constitutions; and that no officer ought to attempt to influence the votes of other men, or take any part in the business of electioneering, that being inconsistent with the Constitution and his duty. And because the Constitutional remedy by the elective franchise becomes nothing if it may be smothered by the enormous patronage of the General Government, therefore any interference with elections by the officers of the General Government ought to be deemed cause of removal.

Mr. Wheeler moved to lay the said amendment on the table, and the question being had thereon was determined in the affirmative; ayes 12, noes 10.

The ayes and noes being demanded, the affirmative voters were

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Wheeler, Yoakum and Mr. Speaker Love—12.

The negative voters were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier and Terry—10.

And so said amendment was ordered to the table.

Mr. Jennings thereupon moved to strike from the said original section the word 'invaded' and insert in lieu thereof the word 'affected,' and thereupon the question was had and determined in the negative—ayes 10, noes 13.

The ayes and noes being demanded, those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier and Terry—10.

The negative voters were,

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Warner, Wheeler, Yoakum and Mr. Speaker Love; 12.

And so said motion was rejected.

The question then recurred upon the adoption of the said original fourth section, and being thereon had it was determined in the affirmative—ayes 13, noes 10.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman,

Jones of Lincoln, Laughlin, Smith, Warner, Wheeler, Yoakum and Mr. Speaker Love—13.

The negative voters were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier and Terry—10.

And so said fourth section of the preamble was adopted.

The fifth section of the said preamble, was thereupon read and adopted—ayes 21.

The ayes and noes being demanded, the affirmative voters were

Messrs. Anderson, Ashe, Balch, Brown, Coe, Frey, Gaines, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Jones of Hickman, Laughlin, Marshall, Reneau, Sevier, Terry, Warner, Wheeler, Yoakum and Mr. Speaker Love—21.

And so said fifth motion was adopted.

The sixth section of the said preamble was thereupon read and adopted—ayes 13; noes 9.

The ayes and noes being demanded the affirmative voters were,

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Warner, Wheeler, Yoakum and Mr. Speaker Love—13.

The negative voters were

Messrs. Anderson, Ashe, Frey, Gaines, Jennings, Marshall, Reneau, Sevier and Terry—9.

And so said sixth section was adopted.

The first resolution was thereupon read and adopted—ayes 13; noes 10.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Warner, Wheeler, Yoakum and Mr. Speaker Love—13.

The negative voters were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier and Terry—10.

And so said first resolution was adopted:

The second resolution was thereupon read and adopted—ayes 13; noes 10.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Coe, Gillespy, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Hardwicke, Warner, Wheeler, Yoakum and Mr. Speaker Love—13.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier and Terry—10.

And so said second resolution was adopted.

The third resolution being thereupon read, Mr Anderson offered the following in lieu, to wit:

*Resolved*, That the freedom of elections being essential to the mu-

tual independence of governments, and with the different branches of the same government so vitally cherished by most of our Constitutions, it is deemed improper for officers depending on the Executive of the Union to attempt to control or influence the free exercise of the elective right, and deeming such interference inconsistent with the constitution.

Mr. Wheeler moved to lay the forogoing amendment on the table, and thereupon the question was had, and determined in the negative; ayes 11; noes 11.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Wheeler and Mr. Speaker Love; 11.

The negative voters were

Messrs. Anderson, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier, Terry, Warner and Yoakum—11.

And so said proposition was rejected.

Mr. Yoakum thereupon moved to amend the said amendment by adding thereto after the word "union," the words "and office seekers."

Mr. Anderson moved to lay said proposition on the table; and thereupon the question being had, it was determined in the negative—ayes 11; noes 11.

The ayes and noes being demanded, the affirmative voters were

Messrs. Anderson, Brown, Coe, Frey, Gaines, Jennings, Marshall, Reneau, Sevier Terry and Wheeler—11.

Those who voted in the negative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Warner, Yoakum and Mr. Speaker Love—11.

And so said proposition was rejected.

The question was then had upon the adoption of Mr. Yoakum's amendment to that of Mr. Anderson's; and determined in the affirmative—ayes 12; noes 11.

The ayes and noes being demanded the affirmative voters were

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Smith, Warner, Wheeler, Yoakum and Mr. Speaker Love —12.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Jones of Hickman, Marshall, Reneau, Sevier and Terry—11.

And so said amendment was accepted.

The question then recurred upon the adoption of Mr. Anderson's amendment, as amended by Mr. Yoakum; and being thereon had, it was determined in the negative—ayes 0; noes 21.

The ayes and noes being demanded, those who voted in the negative were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Coe, Frey, Gaines, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln,

Laughlin, Reneau, Sevier, Smith, Terry, Warner, Wheeler and Mr. Speaker Love—21.

And so said amendment was rejected.

The third resolution being read, Mr. Coe moved to amend the same by striking out therefrom, all that part thereof after the words "similar bill," which motion prevailed.

Mr. Jennings, offered the following in lieu of the said third resolution after the word "resolved:"

*Resolved*, That this General Assembly disapproves of some of the provisions of a bill heretofore before the Senate of the United States, entitled "a Bill to prevent the interference of certain Federal officers in elections."

Mr. Wheeler moved to lay it on the table. And the question thereon being had, it was determined in the affirmative—ayes 13; noes 10.

The ayes and noes being demanded, the affirmative voters were,

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Lincoln, Jones of Hickman, Laughlin, Smith, Warner, Wheeler, Yoakum and Mr. Speaker Love—13.

Those who voted in the negative were,

Messrs, Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier, Terry—10.

And so said third resolution was adopted.

Mr. Reneau offered the following which was read at the clerk's table:

Whereas, In the year 1826 at the suggestion of the venerable Nathaniel Macon, a committee was appointed in the Senate of the United States to take into consideration the reduction of the patronage of the General Government, of which committee Thomas H. Benton was Chairman, and Martin Van Buren and Hugh L. White, and other distinguished friends of General Jackson were members. And whereas, said committee made a report accommpanied by six bills, in which report and bills are recognized the soundest principles of Jeffersonian Republicanism. Therefore

*Resolved*, That our Senators in Congress be instructed and our Representatives requested to use all fair and honorable means to have the principles of that report carried out in the administration of the Government. And also to secure the passage of said bills which are of the following titles, to wit:

1 A Bill to regulate the publication of the laws of the United States and the public advertisements.

2 A Bill to secure in office faithful collectors and disbursers of the public revenue and the displacement of defaulters.

3 A Bill to regulate the appointment of Post Masters.

4 A Bill to regulate the appointment of Cadets.

5 A Bill to regulate the appointment of Midshipmen. And

6 A Bill to prevent the Military and Naval officers from being dismissed at the pleasure of the President.

Mr. Gillespy moved the previous question, previous to the taking of which he moved a call of the Senate, which being made the following named Senators, answered the call to wit:

Messrs. Aiken, Anderson, Balch, Coe, Gaines, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Reneau, Smith, Warner, Wheeler, Yoakum and Mr. Speaker Love—17.

Mr. Reneau thereupon moved an adjournment, which motion having precedence, the question was thereon had, and determined in the negative—ayes 2 noes 15.

The yeas and nays being demanded, those who voted in the affirmative were

Messrs. Marshall and Reneau—2.

Those who voted in the negative, were

Messrs. Aiken, Anderson, Balch, Coe, Gaines, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Warner, Wheeler, Yoakum and Mr. Speaker Love—15.

And so said motion was rejected.

The proposition "shall the main question be now put?" being had, it was determined in the affirmative—ayes 13: noes 9.

The yeas and nays being required, those who voted in the affirmative were

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Warner, Wheeler, Yoakum and Mr. Speaker Love—13.

Those who voted in the negative were,

Messrs Anderson, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier and Terry—9.

And so the motion for the previous question was sustained.

Mr. Jennings moved a division of the said fourth resolution so as to test the sense of the Senate separately upon its two several parts, which motion prevailing, the question was had, "will the Senate adopt the first part of the fourth resolution?" and determined in the affirmative—ayes 13; noes 10.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Lincoln, Jones of Hickman, Laughlin, Smith, Warner, Wheeler, Yoakum and Mr. Speaker Love—13.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier and Terry—10.

And so said first part of the fourth resolution was adopted.

The question was then had upon the adoption of the second part of said fourth resolution; and determined in the affirmative—ayes 23; noes 0.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Coe, Frey, Gaines Gillespy, Jennings, Hardwicke, Jones of Lincoln, Jones of Hickman, Laughlin, Marshall, Reneau, Sevier, Smith, Terry, Warner, Wheeler, Yoakum and Mr. Speaker Love—23.

And so said second part was adopted.

The fifth resolution being read, the question was had upon its adoption and determined in the affirmative—ayes 23; noes 0.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Coe, Frey, Gaines, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Marshall, Reneau, Sevier, Smith, Terry, Warner, Wheeler, Yoakum and Mr. Speaker Love—23.

And so said fifth resolution was adopted.

The sixth resolution was then read, and the question of its adoption being had, it was determined in the affirmative—ayes 13; noes 9.

The ayes and noes being demanded, the affirmative voters were

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Warner, Wheeler, Yoakum and Mr. Speaker Love—13.

Those who voted in the negative were,

Messrs. Anderson, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier and Terry—9.

And so said sixth resolution was adopted.

The seventh resolution was then read and adopted—ayes 13; noes 10.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Warner, Wheeler, Yoakum and Mr. Speaker Love—13.

The negative voters were,

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier and Terry—10.

And so said seventh resolution was adopted.

*Ordered*, That the clerk acquaint the House of Representatives of the adoption of the said preamble and resolutions, and ask their concurrence therein.

Then the Senate adjourned.

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SATURDAY MORNING, NOV. 9, 1839.

Mr. Gillespy presented the petition of Erby Boyd of Bradley county, praying to have refunded to him money wrongfully paid. And also

The petition of Hiram Young, praying the benefit of mill occupants in the Ocoee District, which were read and referred to the committee on the Ocoee District.

Mr. Laughlin introduced

A Bill to extend the act of 1837–S, ch. 206, and creating the Merchant's Trust and Insurance Company of Nashville; which was read a first time, passed, and referred to the committee on the Judiciary.

The report of the Superintendent of the Penitentiary, was taken up and referred on motion of Mr. Hardwicke to the committee on the Penitentiary.

Mr. Gillespy moved a call of the Senate, which being done, the following gentlemen answered the call, to wit:

Messrs. Aiken, Balch, Brown, Coe, Frey, Gaines, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Reneau, Smith, Sevier, Terry, Wheeler, Yoakum and Mr. Speaker Love—18.

Mr. Jones of Hickman submitted the following:

*Resolved*, That the regular meeting of the Senate shall be nine o'clock in the morning; and any motion to adjourn before half after twelve, shall be considered out of order; and provided also, that the regular hour of meeting after the first adjournment shall be two o'clock, p. m., and any motion to adjourn before half after five shall be considered out of order.

*Be it further resolved*, That the Chairman of the several committees of the Senate, be requested as soon as possible to report and return all bills, resolutions or resolves to the Senate, in order to enable the present General Assembly to come to a speedy close.

Mr. Laughlin introduced

A Bill to incorporate the Winchester and Chalybeate Springs. And

A Bill to incorporate the Bersheba Chalybeate Springs in the county of Warren, both of which were read a first time and passed.

Mr. Speaker Love presented the report of the Comptroller of the Treasury, on the debt due the State by the late Joel Parish, which was referred on motion of Mr. Laughlin to the committee on Education and Common Schools.

The Speaker also presented the report of the clerk and master of the Chancery Court at Franklin, which was referred on motion of Mr. Laughlin to the committee on the Judiciary.

Mr. Yoakum, from the joint select committee on the Lunatic Asylum, made the following report, to wit:

Your committee respectfully reports, that they have embraced the earliest opportunity of ascertaining the condition of the Lunatic Hospital, as well as all matters and things connected with its interest.

Your committee would most earnestly recommend this institution to the protection and patronage of the General Assembly of this State, as an object worthy of their consideration. They believe this institution eminently calculated to elevate the character of your State; and to place her on an equality with her sister States in their praiseworthy efforts ameliorate and advance the comfort of that unfortunate class of our race, who are designed to be brought within the protection of this Asylum.

Our State has already acquired an enviable distinction among her sister States for chivalry and valor; and shall it be said that she withholds her assistance in the advancement of those objects of humanity and philanthropy, which always command the attention and admiration of nations and civilized societies?

Your committee most successfully hope that this General Assembly will not withhold from this institution, that patronage which has heretofore been extended to it. And which if hopefully fostered is destined to reflect lasting honor on our State. It will soothe the sorrows and

ameliorate the condition of many of the unfortunate sons and daughters of our race.

From an examination of the appropriation, heretofore made in behalf of the hospital, your committee find that the sum of thirty-nine thousand two hundred and ninety-five dollars have been appropriated for the purchase of ground, and the construction of the edifice, &c.

By reference to the report of the Secretary of the Board of Commissioners appointed by the last Legislature, it will appear that the entire appropriation has been absorbed, and that there is due to sundry individuals for work done, the sum of two thousand nine hundred and ninety-seven dollars and eighteen cents; which should be provided for by act of Assembly.

By reference to the same report, it will appear that sixty rooms with the exception of furniture, grates to windows, bolts to the doors, &c, are in readiness for the reception of patients. There are thirty-three rooms in the basement story, which are entirely unfinished. It is estimated that twenty-five hundred dollars will complete these rooms.

It is recommended by said report, that the ground in rear of the building should be graded, and that two cisterns should be erected for the use of the hospital. Your committee approve of this recommendation. With regard to other improvements and fixtures; your committee are of opinion that they should be left to the board of trustees to be hereafter appointed.

Your committee would further suggest the propriety of requiring the keeper of the Penitentiary to have done by the convicts in the Penitentiary, such of the work as they can do, and as many be required by the board of trustees of the hospital. It is the opinion of your committee that the work can be done in this way at a much smaller expense than by an appropriation of money; and from an interview with the keeper of the Penitentiary, they are assured that without hazarding the escape of the convicts, almost the whole of the work can be done in this way.

Your committee recommend that the sum of
dollars be appropriated for the payment of the monies now due by the institution, and for the purchase of materials for future works and improvements.

Your committee report the following bill for carrying into operation the Lunatic Hospital.

H. YOAKUM, Chairman Senate Com.
JAMES C. JONES, Chairman H. R.

The foregoing report and the said bill, were read and ordered to the table.

And then the Senate adjourned.

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Monday Morning, Nov. 11, 1839.

Mr. Coe moved a call of the Senate, which being made, the following named Senators answered the call, to wit:

Messrs. Balch, Brown, Coe, Frey, Gaines, Hardwicke, Jones of Lin-

coln, Laughlin, Reneau, Sevier, Smith, Walton, Wheeler and Speaker Love—14. Absent Senators being sent for, the Senate proceeded to business.

A Bill to authorize aliens to hold, convey, mortgage, demise and inherit real estate, lands and other property, and for other purposes therein specified, was taken up, read a second time and passed.

A Bill to extend the corporate limits of the town of Fayettville in Lincoln county, was read a third time, passed, and ordered to be transmitted to the House of Representatives.

Mr. Reneau asked and obtained leave to have entered upon the journals the following, to wit:

[The Protest of Mr. Reneau was not furnished the Printer in time to be inserted in its proper place. It will be found at the close of this Journal. The work was stopped several days, expecting a copy of the protest to be sent from Nashville—it having been written for.]

Mr. Speaker Love, then on the floor, submitted to the Senate the following:

*Resolved*, That the Committee on Federal Relations be instructed to prepare and report a memorial to the Government of the United States for a relinquishment to the State of Tennessee of the vacant and unappropriated land lying south and west of the Congressional reservation line, to the end that the occupant settlers thereon may be secured in their titles at low and moderate rates, and to the end that the proceeds thereof may be applied to indemnify the State for the loss of the school land directed to be laid off for the use of schools by the act of Congress of the 18th of April, 1806, and which School lands were never laid off or obtained by the State.

And also the following:

*Resolved by the General Assembly of the State of Tennessee*, That the Secretary of State be, and he is hereby directed, to adjudicate a land warrant, No. 1239, purporting to have been issued by Wm. Hill, Secretary of State of North Carolina, dated 27th of October, 1835, for the benefit of the heirs of Jeremiah Bullock, for nine hundred and fourteen acres of land, and to certify the same if found on adjudication to be a bona fide warrant.

Mr. Gillespy submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That the committees of the Senate and of the House of Representatives of this General Assembly on the subject of internal improvement in this State, be made a joint committee of both houses.

And the rule being suspended, said resolution was adopted.

Mr. Hardwicke submitted the following:

*Resolved*, That a resolution adopted by the Senate a few days ago, requiring the Superintendent of the Penitentiary to make a report to the Senate, be rescinded.

And the rule being suspended, said resolution was adopted.

Mr. Jennings submitted the following:

Whereas, it has been asserted during the deliberations of the present General Assembly by members of that body, that the Bank of Tennessee has been converted into an engine to effect party purposes, therefore,

*Be it enacted by the General Assembly of the State of Tennessee*, That the Committee on Banks be instructed to call on the President, Cashier and Directors of the Bank of Tennessee at Nashville to reply individually and in writing to the following interrogatives:

First, were you influenced in your choice of directors of the branches of the Bank of Tennessee by a regard to the political sentiments of the individuals whom you elected.

Second; did you in making contracts either for services to be rendered to the bank or its branches, or for buildings or other property designed for its use, have a regard to the party attachments and party opinions of the person or persons with whom such contracts were made.

Third; during your deliberations touching the discounts of said bank, were the political opinions of applicants for loans ever made a subject of serious discussion, and did a regard to such opinions ever to the best of your knowledge and belief influence the decision by which any bill or note submitted to your board was either passed or rejected.

Mr. Wheeler introduced

A Bill to repeal a part of the 7th section of an act passed in the year 1835, establishing chancery courts; which was read a first time, passed, and referred to the committee on the Judiciary.

A Bill to carry into operation the Lunatic Hospital, was read a first time and passed.

A resolution from the House of Representatives, requiring the banks under certain conditions to resume the payment of specie, was taken up and read. Mr. Terry moved to lay it on the table, which motion prevailed.

A resolution from the House of Representatives proposing to rescind so much of the joint rules for the Government of the two Houses as makes the committee on Banks and the committee on the Penitentiary joint committees, was read and non-concurred with.

A Bill from the House of Representatives to exempt persons disabled from sickness or other causes from working on public roads.

A Bill to amend an act passed at Nashville in the year 1838, relating to the Internal Improvement fund of Lawrence county.

A Bill to prevent fraud and impositions in the sale of salt and sugar.

A Bill to repeal all laws authorizing the editors of newspapers to publish the laws of the State.

A Bill to repeal an act passed October 23d, 1837, ch. 40, declaring Buffalo river navigable up to Beardstown, in Perry county.

A Bill to extend the term of the circuit courts of Sevier county and for other purposes. And

A Bill to make more public an act, passed Dec. 11, 1837, establishing the county of De Kalb. All of which were severally read a first time and passed.

A Bill from the House of Representatives to amend the act of 1837, ch. 30, entitled An act in relation to the change of venue in criminal causes, was read a first time, passed and referred to a committee on the judiciary.

Mr. Aiken presented the memorial of the justices of the peace of Washington county, praying that the State taxes for the years 1839 and 1840 be relinquished to said county, to enable them to rebuild a court house and jail, which was read and referred to the committee on claims.

On motion of Mr. Gillespy,

*Ordered*, That Mr. Jones of Hickman be added to the select committee on the Ocoee district.

On motion of Mr. Aiken,

*Ordered*, That Mr. Laughlin be added to the committee on education and common schools.

Mr. Jones of Hickman's resolution of yesterday, designating the hour of meeting and adjournment of the Senate, and requiring the several committees to report upon all matters and things to them referred, at as early a day as practicable, so as to enable the General Assembly to come to a speedy close, was taken up and read.

Mr. Gillespy moved a division of the resolutions so as to test the sense of the Senate first upon the first resolution, which motion prevailing, the question was had, Will the Senate adopt the said first resolution? and determined in the negative—ayes 3, noes 15.

The ayes and noes being demanded, those who voted in the negative were

Messrs. Brown, Jones of Hickman, Jones of Lincoln—3.

The negative voters were

Messrs, Aiken, Ashe, Balch, Coe, Frey, Gaines, Gillespy, Hardwicke, Laughlin, Reneau, Sevier, Smith, Terry, Wheeler and Mr. Speaker Love—15.

And so said first resolution was rejected.

The question was then had upon the adoption of the second resolution, and determined in the affirmative without a dissenting voice.

A Bill for the benefit of the occupant settlers south and west of the Congressional reservation line, was referred to the committee on public lands.

A Bill for the relief of certain enterers of land in the Ocoee District was referred to the committee on the Ocoee District.

On motion of Mr. Brown,

*Ordered*, That Mr. Sevier be added to the committee on enrolled bills.

The resolutions submitted by Mr. Laughlin on the 27th October directory to the joint committee on banks, was on his motion taken up and read.

Mr. Laughlin moved to amend by adding thereto the word 'reduction' after the word 'regulation,' which motion prevailed. The said resolution was further amended, on motion of Mr. Gillespy, by adding thereto the following, to wit: And that said committee also enquire in-

to and report to the Senate the amount of the salaries now allowed to the several officers of said bank and its branches.

The said preamble and resolutions were thereupon read as amended and adopted.

On motion of Mr. Sevier, Ordered, that Mr. Brown be added to the committee on *Federal Relations*.

A Bill requiring clerks, registers and other officers of Marshall county to be elected on the same days as in other counties. And

A Bill for the relief of the citizens of Washington county, were severally read a second time, passed and referred to the committee on the Judiciary.

Mr. Gillespy asked and obtained leave to withdraw for amendment, a bill for the benefit of the Bank of Tennessee.

Then the Senate adjourned.

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TUESDAY MORNING, NOV. 12, 1839.

Mr. Sevier presented the petition of sundry citizens of Carroll county on behalf of Joel G. Nutt, accompanied by a Bill to restore Joel G. Nutt to his former privileges as a citizen and for other purposes, which was read a first time, passed, and referred to the committee on the Judiciary.

Mr. Coe submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That the Joint Select Committee on Banks (by the chairman of either house) have authority in the prosecution of enquiries directed by either house, to be made in the past and present management and condition of the several Banks in the State, to send for persons and papers and to administer oaths.

And the rule requiring resolutions to lie one day on the table being suspended, the said resolution was adopted.

*Ordered*, That the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr. Laughlin introduced

A Bill to prevent the unlawful assemblage of slaves, which was read a first time and passed. And

A Bill to authorize aliens to hold, convey, mortgage, lease and inherit real estate, land and other property and for other purposes therein specified, was read and referred on motion of Mr. Jennings, to the committee on Public Lands. And

A Bill to suspend so much of an act, entitled "an act to establish a State Bank, to raise a fund for Internal Improvements and to aid in the establishment of a system of education, passed 9th Jan. 1838, as authorizes and requires the Governor of the State to issue bonds of the State, together with the amendment heretofore offered by Mr. Balch in lieu of the whole from the enacting clause, which was taken up and read.

Mr. Jones of Lincoln moved to amend the original Bill by striking the proviso therefrom.

Mr. Jennings moved to refer the Bill and amendment to the committee on Internal Improvement, which motion was lost.

The question then recurred upon the motion of Mr. Jones of Lincoln to strike from the original Bill the proviso thereto, and being thereon had, it was determined in the affirmative.

Mr. Balch asked and obtained leave to withdraw his amendment.

Mr. Jones of Hickman offered an additional section as an amendment thereto, providing for the recall and redelivery of all bonds not negotiated, that were issued for the purpose of moving obstructions in the navigable water courses of the State.

Mr. Reneau thereupon moved to lay the said Bill and amendment on the table, and the question thereon being had it was determined in the negative—ayes 10; noes 10.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Reneau, Sevier, Terry and Walton—10.

The negative voters were

Messrs. Aiken, Balch, Coe, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Wheeler and Mr. Speaker Love—10.

And so said proposition was rejected.

Mr. Jennings thereupon moved to refer the bill and amendment to the committee on the Judiciary, with instructions to report promptly a Bill in lieu of the whole, which will remedy those defects in the present laws on the subject of Internal Improvements, that have given rise to alleged frauds and impositions on the State.

The Speaker decided the foregoing motion to be out of order, from which decision Mr. Jennings appealed to the house, and the sense of the Senate being had, the said decision was rejected.

The question then recurred upon the motion of reference, and being thereon had, it was determined in the negative.

Mr. Gillespy thereupon moved to lay the amendment of Mr. Jones of Hickman on the table, and the question being thereon had, it was determined in the affirmative—ayes 13; noes 8.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Ashe, Balch, Coe, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Reneau, Sevier, Smith, Terry and Mr. Speaker Love—13.

The negative voters were

Messrs. Anderson, Brown, Frey, Gaines, Jennings, Jones of Hickman, Walton and Wheeler—8.

And so said amendment was ordered to the table.

Mr. Balch moved to amend the said bill by adding thereto the words "or to subscribe for stock" after the words "State Bonds," which motion prevailed.

The said bill was thereupon read as amended a second time and passed.

A Bill from the House of Representatives to establish the county of Polk.

A Bill to allow an additional District to the counties in this State under restrictions. And

A Bill giving further time to sheriffs to collect arrearages of taxes, were severally read a first time and passed.

A Bill from the House of Representatives for the relief of such persons as made improvements upon school sections in the Ocoee District, was read a first time, passed, and referred to the committee on the Ocoee District.

A Bill to make more public an act passed the 11th Dec. 1837, establishing De Kalb county, was taken up and read.

Mr. Laughlin offered the following additional section as an amendment thereto, to wit:

*Be it enacted*, That the county of De Kalb as organized under the act above mentioned, and the acts referred to, is hereby declared to be established as one of the lawful and constitutional counties of this State, according to the provisions of this and the aforesaid acts.

And the sense of the Senate being had thereon, the said amendment was accepted. The said bill was thereupon read a second time as amended and passed.

Mr. Speaker Love's resolution directory to the committee on Federal Relations, was taken up and read.

Mr. Gillespy moved to amend the said resolution by requiring the said committee to enquire into the expediency of preparing and reporting a memorial to the Congress of the United States, in relation to the matters and things therein contained, which motion prevailed.—The said resolution was thereupon read as amended and adopted.

A Bill from the House of Representatives giving further time for surveying entries and obtaining grants thereon, was read a first time, passed and referred to the committee on Public Lands.

A Bill from the House of Representatives to provide for the payment of twenty-five dollars to Holman and Hollingsworth for services rendered the State, was read a first time, passed, and referred to the committee on Claims.

Mr. Gillespy returned with an amendment in lieu of the whole from the enacting clause. And

A Bill for the benefit of the creditors of the Bank of Tennessee.

On motion of Mr. Laughlin,

*Ordered*, That said bill and amendment be referred to the committee on Claims.

Mr. Balch submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That the President and Directors of the Bank of Tennessee, report forthwith to this General Assembly the amount of the Bonds which have been issued and delivered to them for the benefit of Internal Improvement Companies; at what time the same were issued; and for what par-

ticular roads they were issued; and what disposition has been made of the same.

And the rule being suspended, Mr. Jones of Lincoln, offered the following as an amendment thereto, to wit:

And that said President and Directors also report, what amount of State Bonds have been issued and placed in said bank for the raising the $300,000 for the improvement of rivers in this State; and what disposition (if any) has been made of said bonds.

The said amendment was received, and the resolution adopted.

*Ordered*, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Then the Senate adjourned.

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WEDNESDAY MORNING, NOV. 13, 1839.

Mr. Warner presented the petition of one hundred and fifty-six gentlemen and one hundred and twenty-nine ladies of Marshall county, remonstrating against a repeal of the tippling act; which were severally read and ordered to be transmitted to the House of Representatives.

Mr. Terry introduced

A Bill to extend the rights of citizenship to John Brown and his sons Thomas Brown and William Brown, and his daughter Eliza Brown, Cherokee Indians, which was read a first time and passed.

Mr. Gillespy introduced

A Bill for the benefit of Hiram Young, and

A Bill for the relief of Erby Boyd of Bradley county, which were severally read a first time, passed and referred to the committee on the Ocoee District.

Mr. Gillespy also introduced

A Bill for the relief of John H. Johnson, which was read a first time and passed.

Mr. Gillespy also introduced

A Bill for the relief of Allan D. Gentry of Monroe county, which was read a first time, passed, and referred to the committee on claims.

A Bill for the benefit of James Brown of Monroe county was taken up and read. Mr. Gillespy offered an amendment thereto in lieu of the whole from the enacting clause, which was received. The said bill was thereupon, on motion of Mr. Anderson, ordered to the table.

Mr. Gillespy submitted the following:

Whereas, several internal improvement companies in this State, acting under the belief that the five per cent. bonds issued for their benefit, and in payment of the State subscription to said companies, could be converted into money, have commenced the improvements contemplated, and entered into contracts to have the same carried on and completed; and whereas, in consequence of the derangement of the monetary concerns of the commercial world, and consequent depression in the prices of such securities, their anticipations have been dis-

appointed, and the companies and contractors thereby thrown into serious difficulties; therefore, be it

*Resolved by the General Assembly of the State of Tennessee*, That the Bank of Tennessee and its branches be, and they are hereby instructed to loan all such companies upon the deposit and pledge of their bonds aforesaid, not exceeding two thirds of the amount of such bonds, in the ordinary notes of circulation of said Bank, but made payable twelve months after date; the bonds to remain in the banks as security for the loan, and the interest accruing on said bonds to be appropriated in the first place to the payment of the interest on the loan; and which said bonds may be sold by said bank at its discretion for and on account of said company after the expiration of twelve months from the date of said loan, by giving sixty days notice thereof to said company, and the loss, if any, to be paid to said banks by said company.

Mr. Terry withdrew for amendment the resolution heretofore submitted by him to amend the 10th article and 4th section of the constitution of this State.

The resolution submitted by Mr. Yoakum on the 29th October, proposing a joint select committee on the subject of the common school fund, was taken up and read.

Mr. Jones of Lincoln moved to amend by adding thereto the words, 'and to administer oaths,' which motion prevailed. The said resolution was thereupon adopted.

The Speaker appointed Messrs. Yoakum, Anderson and Wheeler to be of said committee on the part of the Senate.

*Ordered*, That the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

A Bill to prevent the issuance of State bonds being read, Mr. Anderson moved to reinstate the proviso thereto, which was stricken out on yesterday.

Mr. Hardwicke, then in the chair, decided the said motion to be out of order; from which decision an appeal was had to the house, and decided to be in order. The question then recurred upon the motion to reinstate the proviso, and being thereon had it was determined in the negative—ayes 8, noes 14.

The yeas and nays being required, those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Reneau, Sevier and Walton—8.

The negative voters were

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Love—14.

And so said proposition was rejected.

The said bill was thereupon read a third and last time, passed, and ordered with its amendments to be sent to the House of Representatives.

A Bill to make more public an act passed Dec. 11, 1837, establishing De Kalb county, was read a third and last time, passed (with amend-

ments) upon the ayes and noes, by the unanimous vote of the Senate.

*Ordered*, That the Clerk acquaint the House of Representatives of the several amendments thereto and ask their concurrence therewith

A Bill to change the times of holding the circuit courts of Robertson county was read a third time and passed.

Mr. Reneau asked and obtained leave to withdraw for amendment

A Bill to extend the term of the Circuit courts of Sevier county, and for other purposes.

A Bill giving former sheriffs further time to collect arrearages in taxes;

A Bill to allow an additional civil district to counties in this State under certain restrictions;

A Bill to repeal an act passed Oct. 23, 1837, ch. 40, declaring Buffalo river navigable up to Beardstown, in Perry county, and

A Bill to repeal all laws authorizing editors of newspapers to publish the laws of the State,—were severally read a second time and passed.

A Bill to incorporate the Winchester and Chalybeate Springs was read.

Mr. Yoakum moved to strike therefrom the words "one hundred years," and insert in lieu the words "twenty-five years," which motion prevailed. The said bill was further amended on motion of Mr. Yoakum by providing that the stockholders should be individually liable for all debts contracted by the company. The said bill was thereupon read a second time, and the question Shall the bill pass? being thereon had, it was determined in the negative—ayes 7, noes 13.

The yeas and nays being demanded, those who voted in the affirmative were

Messrs. Frey, Hardwicke, Laughlin, Smith, Turney Yoakum and Mr. Speaker Love—7.

Those who voted in the negative, were

Messrs. Anderson, Balch, Brown, Gaines, Jennings, Jones of Hickman, Jones of Lincoln, Reneau Sevier, Terry, Walton, Warner, and Wheeler—13.

Mr. Jones of Hickman introduced

A Bill to repeal all laws authorizing the sale of the bonds of the State the proceeds of which are to be used for the purpose of removing the obstructions in the rivers of the State of Tennessee, which was read a first time and passed.

And then the Senate adjourned.

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THURSDAY MORNING, NOV. 14, 1839.

On motion of Mr. Gillespy,

*Ordered*, That the committee on the Ocoee District be discharged from the further consideration of the petition of Early Boyd, and that the same be referred to the committee on Claims.

On motion of Mr. Turney.

*Ordered*, That the committee on the Ocoee District be discharged from the further consideration of the petition of Thomas Shirley, and that the same be referred to the committee on Claims.

Mr. Turney presented the report of the commissioners relative to Burk's turnpike road, made in obedience to a resolution of the General Assembly adopted on the 15th October 1839, together with the indictment and conviction of Robert Burk the proprietor of said road. The said report was read.

Mr. Turney moved its reference to the committee on Internal Improvement.

Mr. Gillespy moved to lay it on the table, which motion was lost. The question was then had upon the motion of Mr. Turney and rejected. Mr. Terry thereupon moved that it be transmitted to the House of Representatives, which motion prevailed.

Mr. Laughlin presented the proceedings and resolutions of a public meeting of the citizens of Coffee county on the subject of Internal Improvement, which was read and on his motion referred to the committee on Internal Improvement.

Mr. Warner from the committee on Claims, to whom was referred sundry bills and memorials; reported that the committee have had under consideration a Bill for the relief of Eli Cleveland of Monroe county, and a Bill for the relief of certain purchasers and assigners of purchasers of reservations in the Hiawassee District, and had instructed him to report a bill in lieu of the two entitled a Bill for the relief of certain purchasers and assigners of purchasers of reservations in the Hiwassee District, and respectfully to ask its passage.

The said bill being read, Mr. Yoakum offered the following in lieu of all that part of the third section after the words "to certify," to wit:

The amounts due such purchaser or purchasers, with the reasons and facts upon which such allowance is made in each case to the next General Assembly of the State of Tennessee; to which amendment Mr. Gillespy offered the following:

And that the payment of any sum or sums that may be due the State from any such purchaser or purchasers, shall be suspended until the next session of this General Assembly, and thereupon the question was had and determined in the negative—ayes 9; noes 14.

The ayes and noes being demanded, the affirmative voters were,

Messrs. Aiken, Frey, Gaines, Gillespy, Laughlin, Reneau, Terry, Wheeler and Mr. Speaker Love—9.

The negative voters were

Messrs. Anderson, Ashe, Balch, Brown, Coe, Hardwicke, Jones of Hickman, Jones of Lincoln, Marshall, Smith Turney, Walton, Warner and Mr. Yoakum—14.

And so said amendment was rejected.

The question then recurred upon the adoption of the amendment offered by Mr. Yoakum, and being thereon had, it was determined in the affirmative.

The said bill was thereupon read as amended a second time and passed.

Mr. Warner from the same committee, to whom was referred the petition of the Justices of the Peace of the county of Washington, praying a relinquishment of the State tax for the years 1839–'40, to enable the county to rebuild a Jail and Court House. Also the petition of David Billings; and also the petition of John Moses, reported that the committee have had the same under consideration—think them unreasonable, and ought not to be granted, and had instructed him to recommend their rejection.

Mr. Anderson moved a nonconcurrence with so much of the foregoing report as relates to the petition of David Billings, and thereupon the question being had was determined in the negative—ayes 3; noes 20.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Jennings and Smith—3.

Those who voted in the negative were,

Messrs. Aiken, Ashe, Balch, Brown, Coe, Frey, Gaines, Gillespy, Hardwicke, Jones of Lincoln, Jones of Hickman, Laughlin, Marshall, Reneau, Turney, Walton, Warner, Wheeler, Yoakum and Mr. Speaker Love—20.

And so said motion was rejected.

The said report was thereupon read and concurred with.

Mr. Yoakum, from the committee on Public Lands, to whom was referred a Bill to authorize aliens to hold, convey, mortgage, lease and inherit real estate, lands and other property, and for other purposes therein specified, reported that the committee have had the same under consideration, think its provisions reasonable, and had instructed him to recommend its passage.

Mr. Gillespy moved that the said bill be referred to the committee on the Judiciary, which motion prevailed.

Mr. Yoakum from the same committee, to whom was referred a Bill giving further time for surveying entries and obtaining grants thereon, reported that the committee have had the same under consideration, and had instructed him to report an amendment thereto in lieu of the whole from the enacting clause, and with the amendment to recommend its passage.

Mr. Wheeler moved to strike out the words "eighteen months," and insert in lieu the words "two years," and thereupon the question was had and determined in the negative—ayes 9; noes 14.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Balch, Gaines, Jennings, Reneau, Turney and Wheeler—9.

The negative voters were,

Messrs. Brown, Coe, Frey, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Marshall, Walton, Warner, Yoakum and Mr. Speaker Love—14.

And so said motion was rejected.

Mr. Wheeler, thereupon moved to strike out the words "eighteen months," and insert in lieu the words, "the first day after September

1841, and thereupon the question was had and determined in the affirmative—ayes 20; noes 3.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Balch, Coe, Frey, Gaines, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Reneau, Smith, Turney, Walton, Warner, Wheeler, Yoakum and Mr. Speaker Love 20.

Those who voted in the negative were

Messrs. Brown, Jones of Hickman and Marshall—3.

And so said motion prevailed.

The said bill was further amended on motion of Mr. Yoakum, by inserting the words "assignees of enterers" after the word "enterer."—The said bill was further amended on motion of Mr. Gillespy, by inserting the words, "as against subsequent enterers" after the words, "null and void."

The said bill was read as amended a second time and passed.

A Bill to establish the county of Polk, was read a second time and passed.

A message from the House of Representatives, by Mr. Crockett, their Clerk:

Mr. Speaker: The House of Representatives concur with the Senate's preamble and resolutions directory to our Senators and Representatives in the Congress of the United States.

On motion of Mr. Jones of Lincoln.

*Ordered*, That the committee on Finance be discharged from the consideration of a Bill to give to the several counties in this State, the fines and forfeitures arising from prosecutions for misdemeanors. And

A Bill to define the tax laws of this State, and that the committee be referred to the committee on Ways and Means.

Mr. Yoakum moved to take up a resolution heretofore submitted, proposing to elect an additional clerk of the Senate, which motion was rejected.

Mr. Reneau returned with slight amendments which were accepted,

A Bill to extend the term of the Circuit Courts of Sevier county and for other purposes, which was read a second time and passed.

Mr. Gillespy's resolution of yesterday directory to the Bank of Tennessee and its branches, was taken up and read.

Mr. Balch moved its indefinite postponement.

Mr. Gillespy moved to lay it on the table, which motion having precedence, the sense of the Senate was thereupon had and rejected.

The question then recurred upon the motion of Mr. Balch, to postpone indefinitely.

Pending which the Senate adjourned.

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FRIDAY MORNING, NOV. 15, 1839.

On motion of Mr. Jones of Lincoln,

*Ordered*, That the committee on Finance be discharged from the further consideration of a bill to appropriate money to the payment of a

debt due the Union Bank, and that the same be referred to the committee on Ways and Means.

Mr. Coe, from the committee on Banks, to whom was referred a bill to make it the duty of the Bank of Tennessee to issue small notes, reported that the committee have had the same under consideration, think its provisions unreasonable, and had instructed him to recommend its rejection. The said report was concurred with:

Mr. Coe presented the petition of sundry citizens of Memphis, praying an increase of the banking capital at Memphis, which was referred to the committee on banks.

Mr. Terry introduced

A Bill for the relief of Thomas Shirley of Hamilton county, which was read a first time, passed and referred to the committee on claims.

Mr. Turney returned the resolution to amend the 10th article and 4th section of the Constitution of this State, with an amendment in lieu of the whole, in the following words, to wit:

Whereas, by the 11th article 3d section of the constitution of this State it is provided that any amendment or amendments to the constitution may be proposed in the Senate or House of Representatives, and if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals and referred to the General Assembly then next to be chosen. And whereas, the 10th article and 4th section of the constitution of this State provides that the counties of Marion and Bledsoe shall not be reduced below one thousand qualified voters each, in forming a new county or counties; And whereas, at the last General Assembly of the State of Tennessee it was resolved that the 10th article and 4th section of the Constitution be so amended that Bledsoe and Marion shall come under the general provision of the Constitution in forming new counties; therefore, be it

*Resolved by the General Assembly of the State of Tennessee,* That the 10th article and 4th section of the constitution be so amended that Bledsoe and Marion counties shall come under the general provision of the constitution in forming new counties.

The foregoing amendment was accepted. The resolution was thereupon read a third time, and the question Shall the resolution pass? being thereon had, it was determined in the affirmative—ayes 20, noes 3.

The ayes and noes being demanded, the affirmative voters were

Messrs. Aiken, Ashe, Anderson, Balch, Brown, Coe, Frey, Gaines, Gillespy, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Love—20.

Those who voted in the negative were

Messrs. Hardwicke, Jones of Hickman and Smith—3.

And so said resolution passed its third reading, and was ordered to be transmitted to the House of Representatives.

The resolution heretofore submitted by Mr. Terry, requiring the clerk to report whether the business of the Senate required the appointment of an additional assistant clerk, was taken up and read. In lieu of which Mr. Gillespy submitted the following:

*Resolved*, That the Senate proceed forthwith to the election of an additional asssistant clerk.

Mr. Anderson moved to lay the said resolution and amendment on the table.

Mr. Jones of Hickman offered the following as an amendment to that of Mr. Gillespy, to wit:

"To be allowed for his services such sum as the Legislature may hereafter direct, not exceeding four dollars per day."

And thereupon the question was had and determined in the negative—ayes 10, noes 15.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Brown, Frey, Gaines, Jones of Hickman, Reneau, Turney, Walton, Wheeler and Yoakum—10.

Those who voted in the negative were,

Messrs. Aiken, Anderson, Balch, Coe, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Marshall, Sevier, Smith, Terry, Warner, and Mr. Speaker Love—15.

And so said amendment was rejected.

Mr. Anderson then withdrew his motion to lay upon the table, and the question was had upon the amendment of Mr. Gillespy, and determined in the negative—ayes 10, noes 15.

The ayes and noes being demanded, the affirmative voters were

Messrs. Aiken, Coe, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Smith, Warner, Yoakum and Mr. Speaker Love—10.

The negative voters were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gaines, Jennings, Jones of Hickman, Marshall, Reneau, Sevier, Terry, Turney, Walton and Wheeler—15.

And so said amendment was rejected.

Mr. Marshall offered the following, in lieu of the original resolution, to wit:

*Resolved*, That the principal clerk of the Senate, when it shall be necessary for the dispatch of public business, employ a transcribing clerk or clerks, at such reasonable prices as may be agreed upon by him.

In lieu of which, Mr. Gillespy offered the following:

*Resolved*, That the Senate, when they shall deem it necessary, shall appoint an additional clerk for the Senate.

Mr. Ashe moved to lay the said amendment of Mr. Gillespy on the table; and thereupon the question was had and determined in the negative—ayes 11, noes 14.

The ayes and noes being demanded, the affirmative voters were

Messrs. Ashe, Brown, Frey, Gaines, Jennings, Jones of Hickman, Jones of Lincoln, Marshall, Reneau, Walton and Wheeler—11.

The negative voters were,

Messrs. Aiken, Anderson, Balch, Coe, Gillespy, Hardwicke, Laughlin, Sevier, Smith, Terry, Turney, Warner, Yoakum and Mr. Speaker Love—14.

And so said proposition was rejected.

The question then recurred upon the reception of Mr. Gillespy's amendment in lieu of that of Mr. Marshall, and being thereon had, it was determined in the affirmative—ayes 16, noes 9.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Coe, Frey, Gaines, Gillespy, Hardwicke, Laughlin, Sevier, Smith, Terry, Turney, Warner, Yoakum and Mr. Speaker Love—16.

Those who voted in the negative were,

Messrs. Ashe, Brown, Jennings, Jones of Hickman, Jones of Lincoln, Marshall, Reneau, Walton and Wheeler—9.

And so said amendment was received.

Mr. Yoakum thereupon moved to strike from said amendment the words 'when necessary,' and insert in lieu, the words 'Monday next.' And thereupon the question was had and determined in the negative—ayes 10, noes 15.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Coe, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Smith, Warner, Yoakum and Mr. Speaker Love—10.

The negative voters were,

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gaines, Jennings, Jones of Hickman, Marshall, Reneau, Sevier, Terry Turney, Walton and Wheeler—15.

And so said proposition was rejected.

The question was then had upon the reception of Mr. Gillespy's amendment in lieu of the original resolution, and determined in the affirmative—ayes 19, noes 6.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Brown, Coe, Frey, Gaines, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Sevier, Smith, Warner, Wheeler, Yoakum and Speaker Love—19.

Those who voted in the negative were

Messrs. Ashe, Marshall, Reneau, Terry, Turney and Walton,—6.

And so said amendment was received.

Mr. Jones of Hickman thereupon moved to lay the said resolution on the table. And the question thereon being had, it was determined in the affirmative—ayes 13, noes 12.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Coe, Frey, Gaines, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Sevier, Smith, Walton, Wheeler and Speaker Love—13.

Those who voted in the negative are

Messrs. Aiken, Anderson, Balch, Brown, Gillespy, Hardwicke, Marshall, Reneau, Terry, Turney, Warner and Yoakum—12.

And so said motion prevailed.

A Bill to repeal all laws authorizing the sale of the bonds of the State,

the proceeds of which are to be used for the purpose of removing the obstructions in the rivers in the State of Tennessee, was referred on motion of Mr. Gillesp, to the committee on Internal Improvement.

Mr. Coe introduced

A Bill for the relief of John W. Fowler; which was read a first time, passed and referred to the committee on claims.

The resolution heretofore submitted by Mr. Speaker Love, directory to the Secretary of State, in relation to the adjudication of land warrant No. 1239, was referred on motion of Mr. Yoakum to the committee on Public Lands.

Mr. Jennings presented a communication from the Hon. E. H. Foster, containing his resignation as Senator in the Congress of the United States, which was received and read.

Mr. Reneau moved that the said communication be entered upon the journal of the Senate. And thereupon the question was had and determined in the negative—ayes 11, noes 14.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier Terry and Walton—11.

The negative voters were

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Love—14.

Mr. Smith submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That the Senate meet the House of Representatives in their Hall on Monday next at 11 o'clock, a. m. for the purpose of electing a Senator to the Congress of the United States, in place of the Hon. Ephraim H. Foster, resigned.

Then the Senate adjourned.

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SATURDAY MORNING, NOV. 16, 1839.

Mr. Gillespy presented the petition of one hundred and seventeen citizens of Bradley county, praying a repeal of the tippling act of 1837.

And Mr. Sevier the petition of one hundred and nineteen citizens of Gibson county remonstrating against a repeal of the said act, both of which was read and ordered to be transmitted to the House of Representatives.

Mr. Frey introduced

A Bill to incorporate the Union College in Robertson county, which was read a first time, passed, and referred on his motion to the committee on Education and Common Schools.

Mr. Smith's resolution of yesterday, providing for the election of a Senator to the Congress of the United States, in place of the Honorable Ephraim H. Foster, resigned, was taken up and read.

Mr. Anderson moved to strike out the words "Tuesday next," which motion prevailed.

The said resolution was thereupon read as amended, and adopted.

*Ordered*, That the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

The resolution from the House of Representatives directory to the Banks of the State of Tennessee to resume the payment of specie, was taken up, read and referred on motion of Mr. Warner, to the committee on Banks.

A Bill to exempt persons disabled from sickness or other causes from working on roads, was read a second time and passed.

A Bill to prevent the unlawful assemblage of slaves, was taken up and read.

Mr. Coe moved to postpone it until the first day of March, and the question being thereon had, it was determined in the affirmative—ayes 16; noes 8.

The ayes and noes being demanded, the affirmative voters were

Messrs. Aiken, Ashe, Balch, Brown, Coe, Frey, Gaines, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Marshall, Reneau, Sevier, Terry and Mr. Speaker Love—16.

The negative voters were

Messrs. Anderson, Jones of Hickman, Laughlin, Smith, Turney, Warner, Wheeler and Mr. Yoakum—8.

And so said motion prevailed.

Mr. Coe introduced

A Bill to amend an act entitled an act to incorporate the Lagrange and Memphis Rail Road Company, passed Dec. 14 1835; and the Internal Improvement act of 1837–'38, was read a first time, passed, and referred to the Joint Select Committee on the Lagrange and Memphis rail road.

And then the Senate adjourned.

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Monday Morning, Nov. 18, 1839.

Mr. Warner from the committee on Claims, to whom was referred a Bill for the relief of Thomas Shirley of Hamilton county, reported that the committee have had the same under consideration, think its provisions reasonable, and had instructed him to recommend its passage.

Mr. Gillespy moved to amend the said bill by striking out the words "entry taker of said district," and insert in lieu thereof the words "Branch Bank of Tennessee," which motion prevailed. The said bill was thereupon read a second time and passed.

Mr. Marshall presented a communication from sundry citizens of Rutherford county, in relation to alledged illegal voting at the last general elections in said county, which was read and referred on motion of Mr. Yoakum to the committee on Privileges and Elections.

A message from the House of Representatives by Mr. Crockett, their Clerk:

Mr. Speaker: The House of Representatives concur with the Sen-

ate's resolution appointing a Joint Select Committee on the subject of the Common School Fund, and have appointed Messrs. Johnson of Greene, Martin of Maury, Fain, Buchanan of Lawrence, and Parker to be of said committee on their part. They also concur with the Senate's resolution to go into the election of a Senator to the Congress of the United States on Tuesday next, in the place of the Honorable Ephraim H. Foster, resigned.

And then he withdrew.

At the request of Mr. Yoakum,

*Ordered*, That he be excused from serving further on the committee on Privileges and Elections.

Mr Laughlin, from the committee on the Judiciary, to whom was referred "a Bill providing for the appointment of a commissioner or commissioners of the State of Tennessee, in any of the States of the United States of America, for the purpose of taking acknowledgments or probate deeds and other instruments to be recorded in this State, and of taking affidavits to be used or read in evidence in any of the courts of this State. And

A Bill to provide for the probate and registration of deeds executed beyond the limits of the United States and for other purposes, reported that the committee have had the same under consideration, and instructed him to report in lieu of the two; a Bill to provide for the probate and registration of deeds and other instruments executed beyond the limits of the United States and for other purposes, and respectfully to ask its passage. Whereupon the said bill was read a second time and passed.

Mr Laughlin, from the same, to whom was referred a Bill to amend an act to reform and amend the penal laws of the State of Tennessee, passed the 9th day of December, 1829. A Bill to amend the law of descents and distributions. And a Bill to amend the act of 1827, ch. 30, entitled an act in relation to the change of venue in criminal cases; reported that the committee have had the same under consideration, think their provisions reasonable, and had instructed him to recommend their passage.

Whereupon the said bills were severally read a second time and passed.

Mr. Laughlin from the same, to whom was referred a Bill to authorize aliens to hold, convey, mortgage, lease and inherit real estate, lands and other property and for other purposes, reported that the committee have also had the same under consideration, and had instructed him to recommend its passage.

Whereupon the said bill was read a third time, and the question "shall the bill pass;" being thereon had, it was determined in the affirmative—ayes 16; noes 6.

The ayes and noes being demanded the affirmative voters were

Messrs. Aiken, Balch, Coe, Gaines, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Reneau, Smith, Wheeler, Yoakum and Mr. Speaker Love—16.

Those who voted in the negative were

Messrs. Anderson, Brown, Frey, Sevier, Turney and Warner—6.

And so said bill passed a third time, was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Laughlin from the same, to whom was referred a Bill to prevent Grand Juries from making presentments, reported that the committee have had the same under consideration, think its provisions unreasonable, and had instructed him to recommend its rejection.

Whereupon the said bill was read and rejected—ayes 17; noes 5.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Brown, Coe, Frey, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Sevier, Smith, Turney, Warner, Yoakum and Mr. Speaker Love—17.

The negative voters were

Messrs. Balch, Gaines, Gillespy, Reneau and Wheeler—5.

And so said bill was rejected.

Mr. Yoakum submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That the Joint Select committee on the Common School Fund, be authorized to employ a clerk for such time as they may need his services.

And the rule being suspended, said resolution was adopted.

*Ordered*, That the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr. Speaker Love introduced

A Bill to incorporate a Turnpike and Bridge Company from Johnsville across Reelfoot lake to the Mississippi river, which was read a first time, passed, and referred to the committee on Internal Improvements.

Mr. Turney introduced

A Bill to amend an act entitled an act to establish a State Bank, to raise a fund for internal improvements, and to aid in the establishment of a system of education, passed January 19th 1838, and an act supplemental thereto, passed January 26th 1838, which was read a first time, passed, and referred to the committee on Banks.

A message from the House of Representatives by Mr. Crockett, their clerk.

Mr. Speaker: The House of Representatives concur with your resolution authorizing the Joint Select committee on the Common School Fund to employ a clerk.

And then he withdrew.

Mr. Smith submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That a Joint Select Committee be appointed on agriculture and manufactures, to whom all memorials and other communications on that subject shall be referred. And

Mr. Coe the following:

*Resolved*, That the committee on Privileges and Elections, be instructed to enquire into the expediency of reporting a bill so to alter the mode of elections, that a third clerk shall be appointed, whose duty it

shall be to receive from the sheriff or other officer holding the election, the ballot of each voter, and to endorse upon the back of such ballot, the number of figures opposite the name, upon the clerk's record, of the voter giving it. Also directing that all the votes given at any precinct shall, immediately after the same shall have been counted, be again deposited in the box, together with one copy of the clerk's list certified by the Judges, and sealed up carefully by the Judges and kept during the period of thirty days, after which time if no one gives notice that the election will be contested, the same shall be taken out and burned, and in case any election is contested, that said committee in their bill report a plan for conducting the same.

Mr. Laughlin submitted the following:

*Resolved*, That the Judiciary Committee, be instructed to enquire and report by bill or otherwise, whether it is necessary and proper that any of the Chancery Courts now authorized by law, ought to be consolidated so as to lessen the number of said courts, or whether other and additional courts ought to be created, and whether it is necessary and expedient to create new Chancery districts or divisions of said courts, so as to enable the said courts to decide, and more speedily determine the chancery business of the people of the State.

And the rule being suspended said resolution was adopted.

Then the Senate adjourned.

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TUESDAY MORNING, NOV. 19, 1839.

Mr. Frey, from the Committee on Ways and Means, to whom was referred a Bill to appropriate money to the payment of the debt due the Union Bank, reported that the committee have had the same under consideration, had instructed him to report an amendment thereto, in lieu of the first section thereof, and with the amendment to recommend its passage.

Whereupon the said amendment was read and accepted. The bill was read as amended a second time and passed.

Mr. Frey from the same, to whom was referred a Bill to define the tax laws of this State. And

A Bill to give to the several counties in this State the fines and forfeitures arising from the prosecutions for misdemeanors, reported that the committee have had the same under consideration, think their provisions unnecessary and unreasonable, and had instructed him to recommend its rejection.

Whereupon the said bills were severally read and rejected.

Mr. Warner from the committee on claims, to whom was referred a Bill to provide for the payment of twenty-five dollars to Holman and Hollingsworth for services rendered the State, reported that the committee have had the same under consideration, think ts provisions reasonable, and had instructed him to recommend its passage.

Whereupon the said bill was read a second time and passed.

Mr. Gillespy from the committee on Internal Improvements, to

whom was referred a Bill to incorporate a Turnpike Bridge Company from Johnsville, across Reelfoot lake to the Mississippi river, reported that the committee have had the same under consideration, and had instructed him to report an amendment thereto, and with the amendment to recommend its passage.

The said amendment was accepted, the bills read as amended a second time and passed.

Mr. Laughlin presented the petition of Sherod Barber a man of color, praying to be emancipated, which was read and referred to the committee on the Judiciary.

On motion of Mr. Yoakum.

*Ordered*, That the committee on Education and Common Schools, be discharged from the further consideration of the Comptroller's report in relation to the defalcation of the late Joel Parish, cashier of the State Bank of Tennessee, and that the same be referred to the Joint Select Committee on the Common School Fund.

Mr. Laughlin, from the committee on the Judiciary, to whom was referred

A Bill to amend the practice in the courts of Chancery;

A Bill for the relief of females, and to authorize the granting of divorces in certain cases;

A Bill further to amend an act entitled an act more effectually to subject property in this State belonging to non-resident debtors to the payment of their debts due to this and citizens of other States, passed 15th Feb'y, 1836;

A Bill to amend the several laws in this State concerning bastardy;

A Bill to protect the owners of mills in the enjoyment of their rights;

A Bill to repeal part of the 2d section of an act passed in the year 1835, ch. 4, establishing Chancery courts;

A Bill prescribing the mode in which the laws of other States of this Union shall be received as evidence in this State;

A Bill to amend the 6th section of the act of 1836, ch. 15; and

A Bill for the relief of the citizens of Washington county, reported that the committee have had the same under consideration, think the provisions of said bills reasonable, and had instructed him to recommend their passage. Whereupon the said bills were severally read a second time and passed.

Mr. Laughlin, from the same committee, to whom was referred a bill to establish the town of Chattanooga, in Hamilton county, asked that the committe be discharged from its further consideration, which request being granted; the said bill was, on motion of Mr. Terry, referred to the committee on the Ocoee District.

Mr. Laughlin, from the same, to whom was referred a bill and amendment to repeal part of an act passed in 1762, in relation to apprentices, reported that the committee have had the same under consideration, think the provisions of the original bill reasonable, and recommend its passage without the amendment. Said report was concurred with.—The original bill was read a second time and passed.

A message from the House of Representatives by Mr. Crockett, their clerk.

Mr. Speaker: The House of Representatives concur with the Senate's resolution, making the committees of the two Houses on Internal Improvements a Joint Committee. Also with your resolution directory to the President and Directors of the Bank of Tennessee; and also with your resolution extending certain powers therein mentioned to the Joint Committee on Banks.

And then he withdrew.

Mr. Balch introduced

A Bill requiring the Union Bank of Tennessee to pay the bonus of one half of one per cent and for other purposes, which was read a first time, passed, and referred on his motion to the committee on Banks.

And a Bill to extend the terms of the Circuit Courts of Sevier county and for other purposes, was read a third and last time, and the question "shall the bill piss?" being thereon had, it was determined in the affirmative—ayes 25.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Coe, Frey, Gaines, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Jones of Hickman, Laughlin, Marshall, Reneau, Smith, Sevier, Turney, Terry, Walton, Warner, Wheeler, Yoakum and Mr. Speaker Love—25.

And so said bill passed its third and last reading.

A Bill for the relief of Thomas Shirley of Hamilton county, was read a third time, and the question "shall the bill pass?" being thereon had, it was determined in the affirmative—ayes 20; noes 5.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Ashe, Brown, Coe, Frey, Gaines, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Jones of Hickman, Laughlin, Marshall, Reneau, Smith, Terry, Turney, Walton, Warner, and Mr. Speaker Love—20.

The negative voters were,

Messrs. Anderson, Balch, Sevier, Wheeler and Yoakum—5.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

On motion of Mr. Jones of Hickman,

*Ordered*, That Mr. Balch be added to the committee on claims.

Mr. Gillespy submitted the following:

*Resolved*, That the committee on Internal Improvements, be instructed to report a bill to authorize the Hiwassee Rail Road Company to surrender up the bonds of the State, that have been issued by the Governor, and received by said company in part payment of stock subscribed in said company on behalf of the State, and to authorize the Governor in lieu thereof to issue for said company sterling bonds to draw not exceeding six per cent interest.

A Bill to carry into effect the Lunatic Hospital, was taken up and read.

Mr. Jones of Hickman offered an amendment thereto in lieu of the whole from the enacting clause.

Mr. Jennings moved that the bill with the proposed amendment, be referred to the committee of the whole, and that fifty copies of the said bill be presented for the use of the Senate.

During the pendency of said motion, the following message was received from the House of Representatives, by Mr. Crockett their clerk:

Mr. Speaker: The House of Representatives are now ready to receive the Senate in their hall, for the purpose of going into the election set apart for this day.

And then he withdrew. Whereupon the Speaker and Gentlemen of the Senate repaired to the hall of the House of Representatives, and thereupon the two houses proceeded (viva voce) to the election of a Senator to the Congress of the United States, in the place of the Honorable Ephraim H. Foster resigned. The Honorable Felix Grundy and the Honorable Ephraim H. Foster being in nomination.

Senators who voted for Mr. Grundy, were

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Love—14.

Those who voted for Mr. Foster, were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier, Terry and Walton—11.

The vote being continued by the House of Representatives, the aggregate vote was for Mr. Grundy fifty-six; for Mr. Foster forty-four. The Speaker of the Senate thereupon declared the Honorable Felix Grundy, to be duly and constitutionally elected a Senator to the Congress of the United States, from the State of Tennessee, for the term of six years from the fourth of March last.

Whereupon the Speaker and Gentlemen of the Senate returned to their own chamber.

Then the Senate adjourned.

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WEDNESDAY MORNING, NOV. 20, 1839.

Mr. Speaker Love presented the report of the clerk and master of the Chancery Court at Winchester, made in obedience to a resolution of the Senate adopted on the 19th October, which was referred to the committee on the Judiciary.

Mr. Laughlin from the committee on the Judiciary, to whom was referred

A Bill and petition for the benefit of Charles Lain of Bradley county.

And a Bill to give Justices of the Peace jurisdiction to grant writs of certiorari and supercedeas. And

A Bill to restore Joel J. Nutt to his former privileges as a citizen and for other purposes. And

A Bill to exempt guardians from making settlements in certain cases.

And a Bill requiring clerks, registers and other officers of Marshall

county to be elected on the same days as in other counties in this State, reported that the committee have had the same under consideration, think the provisions of the same unreasonable, and had instructed him to recommend their rejection.

The foregoing report was read and concurred with.

Mr. Laughlin from the same committee, to whom was referred the petition of sundry citizens of the Ocoee District, praying that a preference right of entering a quarter section of land at a reduced price in Bradley county may be granted by law to William Sears. And also the petition of sundry citizens of Lewisburg in Marshall county, asking for certain privileges to be granted to the incorporated citizens of said town, reported that the committee have had the same under consideration, think their request unreasonable, and ought not to be engrossed.

The foregoing report was also read and concurred with.

Mr. Gillespy returned with an amendment in lieu of the whole, a Bill to establish the county of Polk. The said bill and amendment were on his motion ordered to the table.

A Bill to repeal part of an act passed 1762 in relation to apprentices, was read a third time.

Mr. Yoakum offered the following as an amendment, to wit:

Provided, that nothing in this act contained, shall affect the rights of any such apprentice in any contract heretofore made.

Mr. Hardwicke moved to lay said amendment on the table, which was lost.

Mr. Gillespy offered the following as an amendment to the said amendment, to wit:

And provided that nothing in this act shall be construed as to limit the discretion of the County Courts in making contracts for the benefit of apprentices, and thereupon the question was had and determined in the negative—ayes 3; noes 19.

The yeas and nays being required, those who voted in the affirmative were

Messrs. Gillespy, Reneau and Terry—3.

The negative voters were

Messrs. Brown, Balch, Coe, Frey, Gaines, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Smith, Sevier, Turney, Walton, Warner, Wheeler, Yoakum and Mr. Speaker Love 14.

And so said amendment was rejected.

The question then recurred upon the reception of Mr. Yoakum's amendment, and being thereon had, the said amendment was received.

Mr. Gillespy thereupon offered an amendment in lieu of the whole bill from the enacting clause, and the sense of the Senate being thereon had, it was rejected.

The said bill was thereupon put upon its passage, and determined in the affirmative—ayes 19; noes 3.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Balch, Coe, Frey, Gaines, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Sevier, Smith, Terry,

Turney, Walton, Warner, Wheeler, Yoakum and Mr. Speaker Love—19.

Those who voted in the negative were,

Messrs. Brown, Gillespy and Reneau—3.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Jones of Hickman introduced

A Bill to prevent public county roads from being obstructed by certain turnpike companies and others, which was read a first time, passed, and referred to the committee on Internal Improvements.

A Bill to extend the right of citizenship to John Brown, and his sons Thomas Brown and William Brown, and his daughter Eliza Brown, Cherokee Indians, was read a second time and passed. And

A Bill to amend the law of descents and distributions, was read a third time, and the question "shall the bill pass?" being thereon had, it was determined in the affirmative --ayes 22.

The yeas and nays being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Brown, Coe, Frey, Gaines, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Smith, Terry, Turney, Walton, Warner, Wheeler and Mr. Speaker Love—22.

And so said bill passed its third reading; and was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Marshall introduced

A Bill to increase the capital stock of the Nolensville Turnpike Company, which was read a first time, passed, and referred to the committee on Internal Improvement.

On motion of Mr. Gillespy,

*Ordered*, That Mr. Marshall be added to the committee on Internal Improvement.

Mr. Turney introduced

A Bill to amend an act granting Jessee Lincoln a turnpike road, and also a Bill to compel Robert Burke to complete his road and for other purposes, both of which were severally read a first time and passed.

The last mentioned bill was withdrawn by Mr. Terry.

Mr. Jones of Hickman returned with an amendment, which was accepted.

A Bill to protect the owners of mills in the enjoyment of their rights.

Mr. Smith offered the following proviso as an amendment thereto, to wit:

Provided nothing in this act contained, shall be construed to limit, abridge, or alter any rights heretofore secured by law to James D. Freeland, and the sense of the Senate being thereon had, the said amendment was rejected.

The said bill was thereupon read a third time, and the question "shall the bill pass?" being thereon had, it was determined in the affirmative, ayes 22; noes 1.

The ayes and noes being demanded, the affirmative voters were

Messrs. Aiken, Balch, Brown, Coe, Frey, Gaines, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Terry, Turney, Walton Warner, Wheeler, Yoakum and Mr. Speaker Love—22.

Mr. Smith voting in the negative.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Balch returned a Bill to repeal part of the 7th section of an act passed in the year 1835, establishing Chancery courts.

Mr. Balch offered an mendment thereto, providing that the consent of the parties litigant should be obtained before the removal of a cause from the Rogersville Chancery Court to the Taswell Chancery Court, which motion to amend was rejected.

Mr. Balch thereupon moved to amend by providing that the consent of the causes upon either side should be obtained before such removal, which proposition was also rejected.

The said bill was thereupon read a second time and passed.

Mr. Coe from the Select Committee on the Lagrange and Memphis Rail Road, to whom was referred a Bill to amend an act entitled an act to incorporate the Lagrange and Memphis Rail Road Company passed Dec. 14th 1835, and the Internal Improvement acts of 1836 and '38, reported that the committee have had the same under consideration, think its provisions reasonable, and had instructed him to recommend its passage with an amendment providing for the issuance of sterling bonds.

Mr. Gillespy offered an amendment thereto, providing that the President and Directors of the Hiwassee Rail Road Company, or the holders of any of the bonds heretofore issued for and on account of said road, may surrender the same or any part thereof to the Governor, and upon such surrender requiring the Governor to issue sterling bonds for a like sum so surrendered. The said amendment was rejected.

On motion of Mr. Marshall the said bill was ordered to the table.

A Bill to incorporate a Turnpike and Bridge Company from Johnsville across Reelfoot lake to the Mississippi river, was taken up and read.

Mr. Balch offered the following as an amendment thereto, to wit:

*Be it enacted*, That nothing in this act contained, shall be so construed as to prevent the stockholders in said company from being individually liable for all demands against said corporation; and the sense of the Senate being thereon had, the said amendment was rejected.

On motion of Mr. Smith the said bill was amended by adding the name of McKay W. Campbell of the county of Maury as one of the commissioners.

Mr. Yoakum moved further to amend by adding the following, to wit:

*Be it enacted*, That nothing in this act contained, shall prevent the Legislature of this State from repealing the same whenever they shall think the interest of the country shall require it.

During the pendency of which the Senate adjourned.

THURSDAY MORNING, NOV. 21, 1839.

Mr. Terry presented the petition of sundry citizens of the 4th civil district of Hamilton county, praying the continuance of the seat of justice at Dallas; which was on his motion referred to the committee on New Counties and County Lines.

Mr. Hardwicke introduced a bill, accompanied by a memorial of sundry citizens on the subject, to define the duties of Rangers and for other purposes; which was read a first time and passed, and referred to the committee on Finance.

Mr. Speaker Love presented a report of the President and Cashier of the Bank of Tennessee, in relation to the bonds issued by the State made in pursuance of a resolution heretofore adopted by the Senate, which was read and referred to the committee on Internal Improvement.

Mr. Laughlin submitted the following;

*Resolved*, That the committee on the Penitentiary be instructed to enquire into the propriety of prohibiting the sales by retail at the Penitentiary, of articles manufactured by the convicts on credit, and also into the propriety of increasing the manufacture of articles in the establishment not usually manufactured by the people of this State.—And that said committee enquire into and report what articles of both classes above named, if any, may be profitably manufactured in the establishment. And that said committee report by bill or otherwise.

A resolution from the House of Representatives, designating the number of acts and journals of the present General Assembly to be printed, was taken up, read and concurred with.

Mr. Laughlin presented a communication from Jonathan Webster, asking a charter of incorporation for the Hillsborough Chalybeate Springs, in Coffee county; which was read and ordered to be transmitted to the House of Representatives.

Mr, Coe submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That the joint committee on Banks be instructed to report bills providing for a fair and equal distribution of the existing banking capital to the several grand divisions of the State, so that the portion allotted to each will be proportioned as near as can be ascertained, to the exports of said division; and the faith of this General Assembly is hereby pledged that a fair distribution upon the principles aforesaid shall be made.

And the rule being suspended, Mr. Wheeler offered the following amendment thereto, to wit:

Provided, that the capital of the Bank of Tennessee is to be apportioned as per original act creating said Bank.

And the sense of the Senate being thereon had, the said amendment was adopted.

Mr. Jones of Hickman thereupon moved to strike from said resolution the words "to the exports of such division," and thereupon the question was had and determined in the negative—ayes 11, noes 13.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Brown, Frey, Jennings, Jones of Hickman, Marshall, Reneau, Sevier, Smith, Walton and Warner—11.

Those who voted in the negative were

Messrs. Aiken, Balch, Coe, Gaines, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Terry, Turney, Wheeler, Yoakum and Speaker Love—13.

And so said proposition was rejected.

Mr. Jones of Hickman moved to strike from said resolution all that part thereof which proposes to pledge the faith of the General Assembly. And thereupon the question was had and determined in the affirmative—ayes 16, noes 8.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Marshall, Reneau Sevier, Smith, Terry, Walton, Warner, and Yoakum—16.

Those who voted in the negative, were

Messrs. Aiken, Balch, Coe, Gaines, Laughlin, Turney, Wheeler and Mr. Speaker Love—8.

And so said proposition prevailed.

Mr. Anderson moved to strike from said resolution the words 'to the exports of such division,' and insert in lieu thereof the words 'to the number of qualified voters.' And thereupon the question was had and determined in the affirmative—ayes 14, noes 10.

The ayes and noes being demanded, the affirmative voters were

Messrs. Anderson, Balch, Brown, Frey, Gillespy, Jennings, Jones of Hickman, Laughlin, Marshall, Reneau, Sevier, Terry, Walton and Warner—14.

The negative voters were

Messrs. Aiken, Coe, Gaines, Hardwicke, Jones of Lincoln, Smith, Turney, Wheeler, Yoakum and Mr. Speaker Love—10.

And so said proposition prevailed.

Mr. Jennings thereupon offered the following as an amendment thereto, to wit:

And provided further, that nothing herein contained shall be so construed as to affect the rights of the Union, Planters or Merchants and Farmers Bank of Memphis.

And the question Will the Senate accept the amendment? being thereon had, it was determined in the negative—ayes 9, noes 15.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Brown, Frey, Jennings, Laughlin, Marshall, Reneau, Sevier and Walton—9.

Those who voted in the negative were

Messrs. Aiken, Balch, Coe, Gaines, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Smith, Terry, Turney, Warner, Wheeler, Yoakum and Speaker Love—15.

And so said amendment was rejected.

The said resolution was amended on motion of Mr. Warner, by add-

ing thereto the words 'as set forth in the 17th section of said charter.'

Mr. Gillespy moved that the said resolution be referred to the committee on Banks, and the sense of the Senate being thereon had, the said motion was lost.

The question being about to be had upon the adoption of the resolution, Mr. Jennings moved a division thereof, which motion was lost.

Mr. Gillespy offered the following in lieu of all that part of said resolution after the words 'General Assembly of the State of Tennessee,' to wit:

That the committee on Banks be instructed to report a bill providing for a fair apportionment of the banking capital of this State.

Mr. Jennings moved to strike from said amendment the word 'fair' and insert in lieu thereof the words "legal and equitable." And thereupon the question was had and determined in the negative—ayes 8, noes 16.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Brown, Frey, Jennings, Marshall, Reneau, Sevier and Walton—8.

Those who voted in the negative were

Messrs. Aiken, Balch, Coe, Gaines, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Terry, Turney, Warner, Wheeler, Yoakum and Speaker Love—16.

And so said proposition was rejected.

The question then recurred upon the reception of the amendment offered by Mr. Gillespy, and being had thereon, it was determined in the affirmative—ayes 13, noes 11.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Coe, Gaines, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Smith, Terry, Turney, Wheeler, Yoakum and Mr. Speaker Love—13.

Those who voted in the negative were

Messrs. Anderson, Balch, Brown, Frey, Jennings, Jones of Hickman, Marshall, Reneau, Sevier, Walton and Warner—11.

And so said amendment was accepted.

Mr. Anderson thereupon moved to amend the said resolution by adding thereto the words 'in proportion to the free white population,' and thereupon the question was had and determined in the negative—ayes 10, noes 14.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Brown, Frey, Jones of Hickman, Laughlin, Marshall, Reneau, Sevier, Walton and Warner—10.

Those who voted in the negative were,

Messrs. Aiken, Balch, Coe, Gaines, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Smith, Terry, Turney, Wheeler, Yoakum and Speaker Love—14.

And so said proposition was rejected.

Mr. Marshall thereupon moved to amend the said resolution by adding thereto the words "and to ascertain and report whether a change of the location of the banking capital would not add to the pecuniary embarrassments under which the country is suffering," and the sense of the Senate being thereon had, the said amendment was rejected.

Mr. Marshall thereupon offered the following as an amendment thereto, to wit:

And that said committee be instructed to report by bill or resolution the time when the Bank of Tennessee shall resume specie payments.

In lieu of which Mr. Gillespie offered the following, to wit:

That said committee be instructed to report, providing that note and bill holders on the Bank of Tennessee shall recover ten per cent. per annum interest, and the cost of protest from said bank, from the time such bill or note shall be presented to the bank or branches thereof, where the same may be payable and payment refused, until the same shall be paid.

Mr. Coe moved to lay the said amendments on the table, and thereupon the question was had and determined in the affirmative—ayes 12, noes 8.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Terry, Turney, Warner, Wheeler and Speaker Love—12.

The negative voters were,

Messrs. Anderson, Brown, Frey, Gaines, Marshall, Reneau, Sevier and Walton—8.

And so said motion prevailed.

Mr. Marshall moved to amend the said resolution by adding after the word 'State' the words 'within the control of the Legislature.'

Mr. Coe moved to lay the said amendment on the table, and thereupon the question was had and determined in the affirmative—ayes 13, noes 8.

The ayes and noes being demanded, the affirmative voters were,

Messrs. Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Terry, Turney Warner, Wheeler and Speaker Love—13.

Those who voted in the negative were

Messrs. Anderson, Brown, Frey, Gaines, Marshall, Reneau, Sevier and Walton,—8.

And so said amendment was ordered to the table.

Whereupon Mr, Laughlin offered the following as an amendment to the said resolution, to wit:

Provided, That if any new distribution of the capital of the Bank of Tennessee to the several divisions of the State be made, or to different sections of the same division, that loans shall continue to be made as now directed by law to the people of the several counties of this State, according to the provisions of the 17th section of the bank charter.

Mr. Gillespy moved to lay the said amendment on the table, and

thereupon the question was had and determined in the negative; ayes 10, noes 14.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Coe, Gaines, Gillespy, Hardwicke, Jones of Lincoln, Terry, Wheeler, Yoakum and Mr. Speaker Love—10.

The negative voters were

Messrs. Anderson, Balch, Brown, Frey, Jennings, Jones of Hickman, Laughlin, Marshall, Reneau, Smith, Sevier Turney, Walton and Warner—14.

And so said motion was rejected.

Mr. Gillespy then moved to amend the said amendment by striking therefrom the words "shall continue," and inserting in lieu thereof the word "thereafter," which motion prevailed.

The said amendment was further amended on motion of Mr. Coe, by striking therefrom the word "now" and the words "by law."

The question then recurred upon the reception of the said amendment, and being thereon had, it was accepted.

Mr. Jennings moved further to amend the said resolution by adding the following, to wit:

And provided nothing herein contained, shall be construed to alter the apportionment of the Union, Planters or Memphis Banks, if such alteration shall interfere with vested rights.

Mr. Coe moved to lay the foregoing amendment on the table, and thereupon the question was had and determined in the affirmative; ayes 14, noes 9.

The ayes and noes being demanded the affirmative voters were

Messrs. Aiken, Balch, Coe, Gaines, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Turney, Warner, Wheeler, Yoakum and Speaker Love—14.

Those who voted in the negative were

Messrs. Anderson, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Terry and Walton—9.

And so said amendment was ordered to the table.

Mr. Marshall thereupon offered the following amendment to the said resolution to wit:

Provided nothing herein contained, shall be construed into an authority to increase the banking capital of the State, and the sense of the Senate being thereon had, the said amendment was accepted.

The reading of the said resolution was then called for (as amended) which is in the following words, to wit:

*Resolved by the General Assembly of the State of Tennessee*, That the committee on banks, be instructed to report a bill providing for the fair apportionment of the banking capital of this State; provided, that if any new distribution of the capital of the Bank of Tennessee to the several divisions of the State be made, or to different sections of the same division, that loans shall thereafter be made as directed to the people of the several counties of this State, according to the provisions of the 17th section of the bank charter. And provided nothing herein

contained, shall be construed into an authority to increase the banking capital of the State.

The question was then had upon the adoption of the said resolution, and determined in the affirmative—ayes 18, noes 5.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Brown, Coe, Gaines, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Reneau, Terry, Turney, Warner, Wheeler, Yoakum and Speaker Love—18.

The negative voters were

Messrs. Frey, Jennings, Marshall, Sevier and Walton—5.

And so said resolution was adopted.

*Ordered*, That the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

A Bill from the House of Representatives to amend an act entitled an act to dispose of the lands in the Ocoee District, passed the19th November 1837, was read.

Mr. Gillespy offered an amendment thereto which was received; the bill was thereupon read as amended a first time and passed.

A resolution from the House of Representatives proposing to raise a Joint Select Committee on the subject of medical societies, was on motion of Mr. Aiken taken up, read and concurred with. The Speaker appointed Messrs. Walton and Jennings to be said committee on the part of the Senate.

A Bill to incorporte a Turnpike and Bridge company from Johnsville across Reelfoot lake to the Mississippi river, was amended on motion of Mr. Marshall, so as to increase the capital stock of said company if necessary to the sum of forty thousand dollars.

The said bill was thereupon read a third time, passed, and ordered to be transmitted to the House of Representatives.

And then the Senate adjourned.

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FRIDAY MORNING, NOV. 22, 1839.

Mr. Speaker Love presented the report of the President and Directors of the Hiwassee Rail Road, made in obedience to certain resolutions of the General Assembly of the State of Tennessee, which was read and referred to the committee on Internal Improvement.

A resolution from the House of Representatives, directory to the Register of the Western District was taken up on motion of Mr. Jones of Lincoln, read and referred to the committee on Public Lands.

A Bill to establish the county of Polk was taken up and read. Mr. Gillespy offered an amendment thereto in lieu of the whole from the enacting clause.

Mr. Yoakum moved to amend the said amendment by striking therefrom the 17th section thereof, which motion was lost.

Mr. Turney moved to amend the said amendment by striking out the name "Benton," wherever it occurs in the same, and inserting in

lieu the name of "Keith," and thereupon the question was had and determined in the negative—ayes 9, noes 15.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier and Terry—9.

Those who voted in the negative were,

Messrs. Ashe, Balch, Coe, Gillespy, Hardwicke, Jones of Lincoln, Jones of Hickman, Laughlin, Smith, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Love—15.

And so said motion was rejected;

Mr. Yoakum thereupon offered an amendment to the said amendment providing for the holding an election at the different precincts in the fractions taken from the counties of McMinn and Bradley; and if a majority of the qualified voters in each fraction shall be in favor of a new county, then the same shall be established, and thereupon the question was had and determined in the affirmative—ayes 14, noes 9.

The ayes and noes being demanded, the affirmative voters were

Messrs. Anderson, Balch, Brown, Frey, Gaines, Jennings, Jones of Lincoln, Jones of Hickman, Marshall, Reneau, Sevier, Turney, Warner and Yoakum—14.

The negative voters were

Messrs. Aiken, Coe, Gillespy, Hardwicke, Laughlin, Smith, Walton, Wheeler and Speaker Love—9.

And so said amendment was accepted.

Mr. Gillespy thereupon moved to lay said bill and amendment on the table, which motion prevailed.

A message from the House of Representatives by Mr. Crockett, their clerk.

Mr. Speaker: The House of Representatives did this day sign an enrolled act, entitled "an act to make more public an act passed Dec. 11th 1837, establishing De Kalb county.

The act was signed by the Speaker of the Sonate, and ordered to be engrossed in the office of the Secretary of State.

Mr. Marshall introduced

A Bill to preserve the purity of elections, which was read a first time and passed.

Mr. Turney introduced

A Bill to make indictable all horse racing where the distance to be run is less than one mile and for other purposes. And

Mr. Marshall introduced

A Bill to restore certain persons to the rights and privileges of citizens; both of which were read a first time and passed.

The resolution heretofore submitted by Mr. Smith, proposing to appoint a Joint Select Committee on agriculture and manufacture, was taken up, read and adopted. The Speaker appointed Messrs. Smith, Wheeler and Sevier to be of said committee on the part of the Senate.

*Ordered*, That the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

A message from the House of Representatives, by Mr. Crockett their clerk.

Mr. Speaker: The House of Representatives have read a third time and passed a bill from the Senate, to ascertain and equalize the prison bounds throughout the State, and have made several amendments thereto herewith transmitted, in which they ask the concurrence of the Senate.

And then he withdrew. Whereupon the said several amendments were read and agreed to.

Mr. Jones of Hickman moved a reconsideration of the vote accepting Mr. Yoakum's amendment to the bill establishing the county of Polk, which motion prevailing.

The said bill was taken up, whereupon Mr. Yoakum asked and obtained leave to withdraw his said amendment.

The said bill was thereupon read as amended a third time, and the question "shall the bill pass," being thereon had, it was determined in the affirmative—ayes 13, noes 5.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Brown, Coe, Gaines, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Reneau, Sevier, Terry, Walton, Yoakum and Speaker Love—13.

The negative voters were,

Messrs. Anderson, Frey, Jones of Hickman, Marshall and Turney, 5.

And so said bill passed its third reading.

*Ordered*, That the clerk acquaint the House of Representatives of the amendment made thereto, and ask their concurrence therewith.

A Bill to extend the rights of citizenship to John Brown and his sons Thomas Brown and William, and his daughter Eliza Brown, Cherokee Indians, was read a third time, passed, and ordered to be transmitted to the House of Representatives.

Mr. Terry returned with an amendment in lieu of the whole, a bill to compel Robert Burke to complete his turnpike road and for other purposes, which were on his motion referred to the committee on Internal Improvement.

A Bill to define the duty of rangers and for other purposes, was read a second time and passed.

Mr. Marshall thereupon asked and obtained leave to withdraw the same for amendment.

A Bill to allow an additional civil district to counties in this State under certain restrictions being read, Mr. Jones of Lincoln moved to strike out the words "or more," after the word "one."

On motion of Mr. Marshall the said bill and motion were ordered to the table.

A Bill to repeal part of the 7th section of an act passed in the year 1835 establishing Chancery Courts being read, Mr. Balch moved the following amendment thereto, to wit:

Provided the parties lived in the Tazwell Chancery district at the time such suits were commenced, which motion was rejected.

The said bill was thereupon read a third time, passed, and ordered to be transmitted to the House of Representatives.

Mr. Marshall moved an adjournment, and thereupon the question was had and determined in the affirmative—ayes 15, noes 7.

The ayes and noes being demanded, the affirmative voters were Messrs. Aiken, Brown, Coe, Frey, Gaines, Gillespy, Hardwicke, Marshall, Sevier, Smith, Terry, Walton, Warner, Wheeler and Yoakum—15.

The negative voters were

Messrs. Anderson, Balch, Jones of Hickman, Jones of Lincoln, Laughlin, Reneau and Turney—7.

And then the Senate adjourned.

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SATURDAY MORNING, NOV. 23, 1839.

Mr. Terry presented the petition of sundry citizens of Hamilton county in behalf of Samuel B. Mead, which was read, and on his motion ordered to be transmitted to the House of Representatives.

Mr. Gillespy presented the petition of sundry citizens of Monroe county in relation to school land, which was read and referred to the committee on education and common schools.

Mr. Speaker Love presented the report of the president and Directors of the Forked Deer Turnpike Company, and also the report of the president and Directors of the Jefferson Turnpike Company, which were read and referred to the committee on Internal Improvement.

Mr. Speaker Love also presented the following tabular statement made by Luke Lea, Esq. Secretary of State, which was read and two hundred copies thereof ordered to be printed—to wit:

SECRETARY OF STATE'S OFFICE,
Nashville, Nov. 20, 1839.

HON. THOMAS LOVE,
*Speaker of the Senate:*

Sir: I have the honor to transmit herewith, tabular statements, marked A and B, containing the information called for in a resolution directory to the Secretary of State, adopted by the Senate on the 24th ult.

Very respectfully,
LUKE LEA, Sec'y of State.

(A.)

STATEMENT of the Subscriptions for Stock on behalf of the State in Internal Improvement Companies.

1.—SUBSCRIPTIONS UNDER THE ACT OF 1836.

| *Companies.* | *Cap. Stk* | *Date of Sub'n.* | *Amt. Sub.* |
|---|---|---|---|
| 1. Nashville, Murfreesborough and Shelbyville Turnp'k Co. | 200,000 | June 23, 1836. | 66,666⅔ |
| 2. La Grange and Memphis Rail Road Company, | 500,000 | June 23, 1836. | 125,000 |
| 3. Gallatin Turnpike Co. | 135,000 | June 23, 1836. | 45,000 |
| 4. Lebanon and Nashville Turnpike Company, | 120,000 | Oct. 4th, 1836. | 40,000 |
| Total amount subscribed, - - - | | | $276,666⅔ |

(A.) II.—Subscriptions under the Act of 1838.

| *Companies.* | *Cap. Stk* | *Date of Sub'n.* | *Amt. Sub.* |
|---|---|---|---|
| 1. Clarksville and Russellville Turnpike Co. | 75,000 | Sept. 7, 1838. | 37,500 |
| 2. Franklin and Columbia Turnpike Co. | 150,000 | do. | 75,000 |
| 3. Fayettville and Shelbyville Turnpike Co. (*a*) | 180,000 | do. | 90,000 |
| 4. Lebanon and Sparta Turnpike Co. (*b*) | 120,000 | do. | 60,000 |
| 5. Jefferson Turnpike Co. | 90,000 | do. | 45,000 |
| 6. Columbia Central Turnpike Company (*c*) | 250,000 | do. | 125,000 |
| 7. Cumberland and Stone's River Turnpike Co. (*d*) | 216,000 | Oct. 23, 1838. | 108,000 |
| 8. Chamber's and Purdy turnpike Co. | 15,000 | Nov. 1, 1838. | 7,500 |
| 9. Nashville and Charlotte Turnpike Co. | 60,000 | Nov. 3, 1838. | 30,000 |
| 10. Harpeth Turnpike Co. | 80,000 | Nov. 7, 1838. | 40,000 |
| 11. Gallatin Turnpike Co. (*e*) | 225,000 | Nov. 23, 1838. | 112,500 |
| 12. Livingston Turnpike Co. | 50,000 | Nov. 26, 1838. | 25,000 |
| 13. Lebanon and Nashville Turnpike Co. (*f*) | 171,750 | Jan'y. 3, 1839. | 85,875 |
| 14. Murfreesboro, Manchester and Winchest'r t'npk Co. (*g*) | | Jan'y. 4, 1839. | |
| 15. Pelham and Jasper Turnpike Co. | 100,000 | Feb'y 1, 1839. | 50,000 |
| 16. Fulton Turnpike Co. | 20,000 | March 1, 1839. | 10,000 |
| 17. Harpeth and Farmington Turnpike Co. | 60,000 | March 6, 1839. | 30,000 |
| 18. Forked Deer Turnpike Company. (*h*) | 14,000 | March 25, '39. | 7,000 |
| 19. Columbia, Pulaski, Elkton and Ala. Turnpike Co. (*i*) | 150,000 | May 2d, 1839. | 75,000 |
| 20. Big Hatchie Turnpike and Bridge Company. (*j*) | 80,000 | June 14, 1839. | 40,000 |
| 21. Gallatin and Cumberland Turnpike Co. | 25,000 | July 10, 1839. | 12,500 |
| 22. Nolensville Turnpike Co. | 100,000 | Aug. 13, 1839. | 50,000 |
| 23. Ashport Turnpike Co. | 80,000 | Aug. 13, 1839. | 40,000 |
| 24. Hiwassee Railroad Co. (*k*) | | Sept. 7, 1838. | 650,000 |
| 25. Louisville, Cincinnati and Charleston Railroad Co. (*k*) | | March 30, '38. | 650,000 |

Total amount subscribed under the Act of 1838, - - $2,455,875
Total amount subscribed under Act of 1836, - - - - 276,666⅔
Grand total, - - - - $2,732,541⅔

☞For notes, &c. and a continuation of the above, see next page.

The grand total of $2,732,541⅔ is exclusive of the one half of the capital of the Murfreesborough, Manchester and Winchester Turnpike Company, which has not been fixed by she Commissioners. Assuming the capital of this company to be fixed at $100,000, and deducting the subscriptions for stock in the Gallatin Turnpike Co. and the Lebanon and Nashville Turnpike Co. made under the act of 1836, which are merged in the subscriptions for stock in said Companies made under the act of 1838, it will appear that the entire amount of the State's liabilities in virtue of her subscriptions for stock in Internal Improvement Companies, is $2,747,541⅔. It is to be observed, however, that several of the Companies have a discretionary power to increase their capital, which would occasion a corresponding increase of the State's liability.

NOTES.—(See first column of preceding page.)—(*a*) The capital stock of this Company may be increased at the discretion of the President and Directors.

(*b*) The capital stock of this company may be increased to $150,000.

(*c*) The capital stock of this company may be increased to $300,000.

(*d*) The capital stock of this company is not prescribed by the charter—it has been fixed by the commissioners at the sum stated.

(*e*) The capital stock of this company has been increased since the former subscription for ⅓ under the act of 1836, which is included in the amount here stated.

(*f*) The capital stock of this company has been increased also, since the former subscription for ⅓, which is included in the amount here stated.

(*g*) An act amendatory of the charter of this company provides that the capital stock shall be fixed by the commissioners.

(*h*) The capital stock of this company may be increased to $50,000.

(*i*) The capital stock of this company may be increased to $250,000.

(*j*) The capital of this company is here stated at the amount to which it may be increased.

(*k*) Special appropriation.

LUKE LEA,
Sec'y of State.

SECRETARY'S OFFICE,
Nov. 21, 1839.

(B.)

TABULAR STATEMENT of the Bonds of the State of Tennessee.

1. Bonds issued under the Act of 1832, entitled "An act to Charter the Union Bank of the State of Tennessee.

| *No. & Let'r* | *Date.* | *No. B'ds* | *Am. each B* | *When Payab.* | *Total.* |
|---|---|---|---|---|---|
| A | | | | | |
| 1 to 125 | Jan. 1, 1833. | 125 | $1,000 | Jan. 1, 1848. | |
| 1 to 125 | do. do | 125 | 1,000 | do 1853. | |
| 1 to 125 | do. do | 125 | 1,000 | do 1858. | |
| 1 to 125 | do. do | 125 | 1,000 | do 1863. | $500,000 |

REMARKS.—These bonds are made payable to "the President, Directors and Company of the Union Bank of the State of Tennessee."—Interest thereon at the rate of five per cent. per annum, is payable half yearly on the first days of January and July in each and every year.

(B. II.) Bonds issued under the Act of 1836, entitled "An act to encourage Internal Improvement in this State."

| COMPANIES. | Number. | Date. | No. Bnds | Amount each Bd | Payable aft. date | Total. |
|---|---|---|---|---|---|---|
| 1. Nash., Murfreesboro' and Shelbyville Turnp'k Co. | 1 to 66 | July 25, 1836 | 66 | 1000 | 25 yrs | |
| | 67 | do. do | 1 | 666⅔ | " | 66666⅔ |
| 2. Gallatin Turnp'k Company, | 1 to 18 | Nov. 6th, 1837 | 18 | 1000 | " | |
| | 19 to 30 | March 31, 1838 | 12 | 1000 | " | |
| | 31 | do. do | 1 | 1500 | " | 31500 |
| 3. Leban'n & Nashville Turnpike Co | 1 to 10 | Oct. 5th, 1837 | 10 | 1000 | " | |
| | 11 to 12 | Nov. 20, do | 2 | 1000 | " | |
| | 13 to 10 | Jan. 1st, 1838 | 4 | 1000 | " | |
| | 17 to 20 | Feb'y 5, do | 4 | 1000 | " | |
| | 21 to 24 | May 21, do | 4 | 1000 | " | |
| | 25 to 28 | July 2d, do | 4 | 1000 | " | |
| | 29 to 32 | Aug. 20, do | 4 | 1000 | " | |
| | 33 to 36 | Oct'r 1st, do | 4 | 1000 | " | |
| | 37 to 40 | Nov. 5th, do | 4 | 1000 | " | 40000 |
| 4. La Grange and Memphis Railr'd Company. | 1 to 30 | Oct'r 10, 1837 | 30 | 1000 | " | |
| | 31 | do. do | 1 | 1250 | " | |
| | 32 to 61 | do. 25, 1838 | 30 | 1000 | " | |
| | 62 | do. do | 1 | 1250 | " | |
| | 6 to 92 | March 18, 1839 | 0 | 1000 | " | |
| | 93 | do. do | 1 | 1250 | " | |
| | 94 to 108 | Aug. 14, do | 15 | 2000 | " | |
| | 109 | do. do | 1 | 1250 | " | 125000 |
| Grand Total, | | | | | | $263,166⅔ |

REMARKS.—These bonds are made payable to the President and Directors of the respective companies for whose use and benefit they are issued. Interest at the rate of five and a quarter per cent per annum is payable thereon semi-annually.

(B. III.)

BONDS issued under the Act of 1838, entitled "An Act to establish a State Bank, to raise a fund for Internal Improvement, and to aid in the establishment of a System of Education."

## 1. BANK BONDS.

| *No. and Letter.* | *Date.* | *No. bs* | *Amt Bs* | *When Payable.* | *Total.* | REMARKS.—These bonds are made payable to the Pres't and Directors of Bank of Tenn. Int'st thereon at the rate of 6 pr cent pr annum, is payable half y'rly. |
|---|---|---|---|---|---|---|
| A | | | | | | |
| 1 to 1,000 | May 7, 1838 | 1,000 | $1,000 | 30 years after date. | | |
| 1,001 to 2,500 | July 2, do | 1,500 | 1,000 | do do | $2,500,000 | |

## 2. RIVER BONDS.

| *No. and Letter.* | *Date.* | *No. of bonds* | *Am. of e'ch bd.* | *When payable.* | *Total.* | These bonds are made payable to the Prest and Directors of Bk of Tenn. Int'st thereon, at the rate of five per cent per annum, is payable annually. |
|---|---|---|---|---|---|---|
| C | | | | | | |
| 1 to 300 | July 2d, 1839 | 300 | 1,000 | 30 years after date. | 300,000 | |

## 3. ROAD BONDS.

| Companies. | No. & Let. | Date. | No. Bnds | Am e'ch Bond. | Pay'ble aft. date | Total. | REMARKS. |
|---|---|---|---|---|---|---|---|
| | A | | | | | | |
| 1. Chamber's and Purdy turnpike Co. | 1 | Nov. 1, 1838 | 1 | 1,000 | 30 yrs | | |
| | 338 to339 | Jany 7, 1839 | 2 | do | do | | |
| | 387 to389 | | 3 | do | do | | |
| | 448 | May 14, 1839 | 1 | 1,500 | do | 7,500 | |
| 2. Hiwassee Rail Road Company, | 2 to 98 | Nov. 1, 1838 | 97 | 1,000 | do | | These bonds are made payable to the President and Directors of the Bank of Tennessee." Interest thereon at the rate of five per cent. per annum, is payable semi-annually. Each Bond specifies the Company for whose use and benefit it is issued. |
| | 502 to599 | Sept 10, 1839 | 98 | do | do | 195,000 | |
| 3. Franklin and Columbia Turnpike Co. | 99 to120 | Nov. 3, 1838 | 22 | do | do | 22,000 | |
| 4. Columbia Central Turnpike Co. | 121 to165 | do do | 45 | do | do | | |
| | 238 to261 | do 30 do | 24 | do | do | 69,000 | |
| 5. Nashville and Charlotte Turnpike Co. | 166 to180 | do 3 do | 15 | do | do | | |
| | 346 to354 | Jany 9, 1839 | 9 | do | do | 24,000 | |
| 6. Gallatin Turnpike Company, | 197 to237 | Nov. 23, '38 | 41 | do | do | | |
| | 402 to428 | March 22, '38 | 27 | do | do | 68,000 | |
| 7. Harpeth Turnpik' Co | 262 to287 | Jany 3, '39 | 26 | do | do | 26,000 | |
| 8. Cumbl'nd and Stone's River Turnpike Co. | 288 to307 | Jan. 4, '39 | 20 | do | do | 20,000 | |
| 9. Lebanon and Nashville Turnpike Co. | 308 to337 | do 5 '39 | 30 | do | do | 30,000 | |
| 10. Jefferson Turnpike Company, | 340 to345 | do 7, '39 | 6 | do | do | | |
| | 499 to501 | Sept 10, '39 | 3 | do | do | 9,000 | |
| 11. Louisville, Cincin'ati & Charleston R. R. Co. | 355 to386 | Jan 21, '39 | 32 | do | do | 32,000 | |

| Companies. | No. & Lets. | Date. | No. B'ds | Am'o'ch Bond. | Pay'ble aft. date | Total. | REMARKS. |
|---|---|---|---|---|---|---|---|
| 12. Pelham and Jasper Turnpike Co. | 390 to396 | Mar 2, '39 | 7 | 1000 | 30 yrs | 7000 | |
| 13. Clarksville and Russellville Turnpike Co. | 397 to401 | do 8 '39 | 5 | do | do | 5000 | |
| 14. Fork'd Deer tnp'k Co | 429 to435 | do 25, '39 | 7 | do | do | 7000 | |
| 15. Big Hatchie Turnpike Company, | 449 to454 | June 14, '39 | 6 | do | do | | |
| | 600 to607 | Nov. 5, '39 | 8 | do | do | 14000 | |
| 16. Gallatin and Cumberland Turnpike Co. | 455 | July 10 '39 | 1 | do | do | 1000 | |
| 17. Nolensville Turnpike Company, | 456 to465 | Aug. 13, '39 | 10 | do | do | | |
| | 481 to484 | Sept. 10, '39 | 4 | do | do | 14000 | |
| 18. Ashport Turnpike Co. | 466 to180 | Aug. 13, '39 | 15 | do | do | 15000 | |
| 19. Lebanon and Sparta Turnpike Co. | 485 to498 | Sept 10 '39 | 14 | do | do | 14000 | |
| 20. Fayettville Tnp'k Co. | 181 to196 | Nov. 5, '38 | 16 | do | do | 16000 | |
| 21. Columbia, Pulaski and Elkton & Ala. tnp'k co. | 436 to447 | May 3, '39 | 12 | do | do | 12000 | |
| Total, | | | | | | $607,500 | |

## RECAPITULATION.

| | |
|---|---|
| 1. Amount of Union Bank Bonds, | $500,000 |
| 2. Amt. of Internal Imp. Bonds issued under act of 1836, | 263,166⅔ |
| 3. Amount of Bank of Tennessee Bonds, | 2,500,000 |
| 4. Amount of River Bonds, | 300,000 |
| 5. Amount of Road Bonds issued under the Act of 1838, | 607,500—$4,170,666⅔ |

SECRETARY'S OFFICE,
Nov'r. 21, 1839.

LUKE LEA,
Sec'y of State.

Mr. Laughlin presented a communication from Hugh Montgomery of Franklin county in relation to a certain land claim, which was referred to the committee on Claims.

Mr. Laughlin also presented a memorial of sundry citizens of a portion of Smith county, praying to be attached to De Kalb county, which was read and referred to the committee on new counties and county lines.

On motion of Mr. Jones of Hickman,

*Ordered*, That Mr. Balch be added to the committee on Internal Improvement.

A message from the House of Representatives, by Mr. Crockett, their Clerk:

Mr. Speaker: The House of Representatives concur with your resolution extending certain powers therein named to the committee on Banks.

On motion of Mr. Reneau,

*Ordered*, That Mr. Frey be added to the committee on enrolled bills.

A Bill to allow an additional civil district to the counties in this State under certain restrictions, was taken up.

The amendment heretofore proposed by Mr. Jones of Lincoln, to strike out the words "or more" after the word "one" was rejected.

The said bill was thereupon read a third time and passed—ayes 19, noes 1.

The yeas and nays being required, those who voted in the affirmative were

Messrs. Aiken, Ashe, Balch, Brown, Frey, Gaines, Gillespy, Hardwicke, Jennings, Jones of Hickman, Laughlin, Reneau, Smith, Terry, Turney, Walton, Warner, Wheeler and Speaker Love—19.

Mr. Jones of Lincoln voting in the negative.

And so said bill passed its third reading.

A Bill for the relief of certain purchasers and assignees of purchasers of reservations in Hiwassee District, was on motion of Mr. Gillespy referred to the committee on Claims.

Mr. Hardwicke asked and obtained leave to withdraw for amendment, a bill to amend the act of 1827, ch. 30, entitled an act in relation to the change of venue in criminal causes.

Mr. Jennings presented a petition from the Mayor and Aldermen of the city of Nashville, asking for the granting of a certain powers to the Mayor's court of said city, which was read and referred on his motion to the committee on the Judiciary.

Mr. Aiken from the committee on Education and Common Schools, to whom was referred a bill to abolish the office of superintendent of public instruction.

A Bill to incorporate the Union College in Robertson county, And

A Bill to amend the several laws in force in this State relative to common schools and for other purposes, reported that the committee have had the same under consideration, think their provisions reasonable, and had instructed him to recommend their passage.

On motion of Mr. Coe the said report was ordered to the table.

A message from the House of Representatives by Mr. Crockett their Clerk:

Mr. Speaker: The Speaker of the House of Representatives did this day sign an enrolled act entitled an act to extend the terms of the Circuit Courts of Sevier county and for other purposes.

The Speaker of the Senate signed said enrolled act and ordered it to be deposited in the office of the Secretary of State.

A Bill to amend an act entitled an act to incorporate the Lagrange and Memphis Rail Road Company, passed Dec. 14, 1835, and the Internal Improvement acts of 1836 and '38, was taken up and read.

Mr. Balch offered the following as an amendment thereto, to wit:

Provided nothing herein contained, shall be so construed as to authorize the Governor of the State of Tennessee to subscribe for or take any more stock in said roads on behalf of the State of Tennessee. In lieu of which Mr. Wheeler offered the following:

Provided nothing in this act contained, shall be so construed as to authorize the Governor to subscribe for any additional stock unauthorized by the act chartering the Bank of Tennessee and the supplement thereto, or to authorize the issuance of said bonds different from those authorized by the before recited acts.

Whereupon Mr. Coe moved to lay the foregoing amendments on the table, and thereupon the question was had and determined in the affirmative—ayes 12, noes 10.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Brown, Coe, Frey, Gaines, Gillespy, Jennings, Reneau, Sevier, Smith, Turney and Speaker Love—12.

The negative voters were

Messrs. Anderson, Balch, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Walton, Warner, Wheeler and Yoakum—10.

And so said motion prevailed.

Mr. Coe thereupon offered an amendment to the said bill, which was accepted.

Mr. Balch offered the following amendment to said bill, to wit:

Provided that the Governor of the State shall not subscribe for stock in said road until the President and Directors of said road shall enter into bonds with approved security to the Governor of the State, for the payment of said bonds with the interest thereon, then and in that case the State shall relinquish all claim to any dividend which may be declared on said road.

Mr. Jones of Hickman offered the following as an amendment thereto, after the word "thereon," to wit:

Making the individual stockholders jointly and severally liable for the same in their personal character, which was accepted by Mr. Balch.

Whereupon Mr. Coe moved to lay the said amendment on the table, and thereupon the question was had and determined in the affirmative—ayes 12, noes 10.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Brown, Coe, Frey, Gaines, Gillespy, Jennings, Reneau, Sevier, Turney and Speaker Love—12.

The negative voters were

Messrs. Anderson, Balch, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Walton, Warner, Wheeler and Yoakum—10.

And so said motion prevailed.

Mr. Warner offered the following as an amendment to said bill, to wit:

And before the Governor shall issue the additional bonds provided for by this act, the stockholders shall give bond binding themselves jointly and severally and individually for the payment of all the stock by them subscribed in the stock of said roads, in lieu of which Mr. Coe offered the following, to wit:

And the State shall have a lien upon the private property of the stockholders to the same extent as provided by the internal improvement law of 1838; which amendment was accepted.

Mr. Jones of Hickman moved to refer the bill to the committee on Internal Improvement.

Mr. Yoakum moved an adjournment until Monday morning 9 o'clock, and thereupon the question was had and determined in the affirmative, ayes 14, noes 9.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Aiken, Balch, Frey, Gaines, Jennings, Reneau, Sevier, Terry, Turney, Walton, Warner, Wheeler and Yoakum—14.

Those who voted in the negative were

Messrs. Brown, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith and Speaker Love—9.

And so the Senate adjourned.

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MONDAY MORNING, NOV. 25, 1839.

Mr. Warner from the committee on Claims, to whom was referred a Bill for the relief of certain purchasers and assignees of purchasers of reservations in the Hiwassee district. And

A Bill to extend the benefits of the first section of the act of 1829, ch. 40, to certain purchasers of land in the Hiwassee district, reported that the committee have had the same under consideration, and had instructed him to report in lieu of said bill from their enacting clauses a bill for the relief of certain purchasers and assignees of purchasers of reservations in the Hiwassee district and for other purposes, and had instructed him to recommend its passage.

Mr. Gillespy moved to amend the fourth section of said reported bill by adding thereto the following:

And they shall in making payment or failing to do so, be entitled to the same benefits, and subject to the same rules, regulations and restrictions of other purchasers and assignees of purchasers in the Hiwassee district, under the first section of an act of 1829, ch. 40, and the

question of acceptance being thereon had, it was determined in the negative—ayes 4, noes 18.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Gaines, Gillespy, Hardwicke and Terry—4.

The negative voters were

Messrs. Anderson, Brown, Balch, Coe, Frey, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Reneau, Sevier, Smith, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Love—18.

And so said amendment was rejected.

Mr. Balch thereupon offered an amendment in lieu of the whole as reported by the committee, and thereupon the question was had and determined in the affirmative—ayes 12, noes 10.

The ayes and noes being demanded, the affirmative voters were

Messrs. Anderson, Balch, Coe, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Laughlin, Sevier, Walton and Yoakum—12.

Those who voted in the negative were

Messrs. Brown, Gaines, Jones of Lincoln, Reneau, Smith, Turney, Terry, Warner, Wheeler and Speaker Love—10.

And so said amendment was accepted.

Mr. Laughlin thereupon moved a reconsideration of the vote just taken.

Mr. Anderson moved to lay the whole upon the table, which motion prevailed.

Mr. Warner from the same committee, to whom was referred a Bill for the relief of John W. Fowler, reported that the committee have had the same under consideration, think its provisions reasonable, and had instructed him to recommend its passage. Whereupon the said bill was read a second time and passed.

Mr. Laughlin from the committee on the Judiciary, reported a Bill to provide for the correction of the survey of range 4, west of the basis line in the Ocoee district, which was read a first time and passed.

Mr. Gillespy from the committee on Internal Improvement, to whom was referred a Bill to repeal part of an act passed the 19th of Jan. 1838, entitled an act to establish a State Bank to raise a fund for Internal Improvement and to aid in the establishment of a system of education, reported that the committee have had the same under consideration, and had instructed him to report a bill in lieu of the whole from the enacting clause, entitled a Bill to repeal all laws authorizing the Governor of the State of Tennessee to subscribe for stock or issue bonds of the State of Tennessee, for works of internal improvement not herein provided for, and to recommend its passage.

Mr. Wheeler moved a non-concurrence with so much of said report as relates to the improvement of the navigation of rivers.

Mr. Gillespy moved to lay the report, bill and motion on the table, which motion prevailed.

Mr. Gillespy from the same, to whom was referred a Bill to repeal all laws authorizing the sale of the bonds of the state, the proceeds of which are to be used for the purpose of removing the obstructions in

the rivers in the State of Tennessee, reported that the committee have had the same under consideration, think it unreasonable, and had instructed him to recommend its rejection.

Mr. Coe moved to lay the said report on the table, which motion prevailed.

Mr. Gillespy from the same, to whom was referred a Bill to repeal part of an act passed the 11th day of Jan. 1838, entitled an act to distribute one hundred thousand dollars among the several counties in Middle Tennessee and for other purposes, reported an amendment thereto, and with the amendment recommended its passage.

Mr. Laughlin moved to lay the bill and amendment on the table, which motion prevailed.

Mr. Gillespy from the same, to whom was referred a Bill to prevent public county roads from being obstructed by certain turnpike companies and others, reported that the committee have had the same under sonsideration, think its provisions reasonable and just, and had instructed him to recommend its passage. Whereupon the said bill was read a second time and passed.

Mr. Yoakum submitted the following:

*Resolved by the General Assembly of the State of Tennessee,* That the joint select committee on common school monies, be directed to count the notes of the old State Bank now in the hands of the superintendent of public instruction and to burn the same.

And the rule being suspended, said resolution was adopted.

*Ordered,* That the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr. Yoakum from the committee on public lands, to whom was referred a resolution directory to the register of the Western District, and a resolution directory to the Secretary of State, reported that the committee have had the same under consideration, think them reasonable, and had instructed him to recommend their adoption.

On motion of Mr. Coe the said report was ordered to the table.

Mr. Yoakum from the same committee, to whom was referred a Bill for the benefit of the occupant settlers south and west of the congressional reservation line, reported that the committee have had the same under consideration, and had instructed him to report several amendments thereto, and with the amendments to recommend its passage.

Mr. Gillespy offered the following amendment thereto, to wit:

Provided that no such occupant shall be entitled under this act, to more than one entry by virtue of an improvement.

Mr. Coe moved to lay the said amendment on the table. And thereupon the question was had and determined in the affirmative—ayes 18, noes 5.

The ayes and noes being demanded, the affirmative voters were

Messrs. Aiken, Ashe, Anderson, Brown, Balch, Coe, Frey, Gaines, Hardwicke, Jennings, Jones of Lincoln, Jones of Hickman, Laughlin, Marshall, Sevier, Terry, Wheeler and Speaker Love—18.

The negative voters were,

Messrs. Gillespy, Reneau, Smith, Turney and Warner—5. And so said amendment was ordered to the table.

Whereupon Mr. Gillespy offered an amendment to said bill providing that the several county offices shall remain open for the purpose of making occupant entries and making the same on the general plan until the first day of Sept. 1841; and providing further, that no entries shall be made south and west of the congressional reservation line after the said first day of Sept'r. 1841, except by virtue of a bona fide warrant or certificate.

Mr. Coe moved to lay the said amendment on the table. And thereupon the question was had and determined in the affirmative—ayes 19, noes 4.

The yeas and nays being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Coe, Frey, Gaines, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Marshall, Reneau, Sevier, Turney, Warner, Yoakum and Speaker Love—19.

Those who voted in the negative were,

Messrs. Gillespy, Laughlin, Smith and Wheeler—4.

And so said amendment was ordered to the table.

Mr. Ashe thereupon offered an amendment in lieu of all that part of the seventh section of said bill after the words "have the same." And the sense of the Senate being thereon had, the said amendment was accepted.

The said bill was thereupon read as amended a second time and passed.

Mr. Reneau reported as correctly enrolled, an act to ascertain and equalize the prison bounds throughout the State.

The said act was signed by the Speaker of the Senate and ordered to be transmitted to the House of Representatives.

Mr. Jennings moved that all bills and resolutions relating to internal improvements with all proceedings thereon, together with so much of the messages of the late and the present Governor as appertains to the same subjects, be referred to the committee on Internal Improvements, with instructions to report a single bill embracing in its provisions all amendments and alterations heretofore proposed, or that said committee shall think proper to propose in the existing laws on the subject herein mentioned.

To which Mr. Coe offered the following as an amendment, to wit:

Except the bill to amend an act entitled an act to incorporate the Lagrange and Memphis Rail Road Company, passed Dec. 14th 1838, and the internal improvement acts of 1836 and '38, which amendment was accepted by Mr. Jennings.

Mr. Coe moved further to amend by providing that the Internal Improvement committee be remodeled and reduced to five.

Mr. Wheeler moved to strike out the amendment in relation to the Lagrange and Memphis Rail Road bill, during the pendency of which, on motion of Mr. Warner,

The Senate adjourned.

TUESDAY MORNING, NOV. 26, 1839.

Mr. Gillespy presented the communication of the Trustees of Oak Grove Academy in Bradley county in relation to their portion of the Academy fund, which was read and referred on his motion to the committee on Education and Common Schools.

Mr. Hardwicke presented the petition of W. B. Young & Co., which was read and ordered to the table.

Mr. Speaker Love presented a communication from John Smith, advising many amendments to the laws of registration and probate, which was read and ordered to the table.

Mr. Anderson presented a remonstrance of 106 individuals of Wilson county against a repeal of the tippling act of 1837, which was ordered to be transmitted to the House of Representatives.

Mr. Laughlin offered the following:

*Resolved*, That the committee on the Judiciary, be instructed to enquire and report by bill or otherwise, whether it is proper and expedient to make some provision by law for adminlstration on estates of deceased persons, where the next of kin, creditors and other persons now entitled by law to the right of administration shall fail or refuse to administer.

And the rule being suspended said resolution was adopted.

Mr. Hardwicke returned a Bill to amend the act of 1827, ch. 30, entitled an act in relation to the change of venue in criminal causes, with an amendment thereto, providing for a repeal of so much of the act of 1835, ch. 78, as requires the oath of three disinterested persons in civil causes.

The said amendment was accepted.

Mr. Jones of Hickman moved a reconsideration of the vote just taken accepting the said amendment, which motion prevailing Mr. Brown offered the following as an amendment to the said amendment, to wit:

In all cases where the venue is changed from one county to another and the party changing the same fails to prosecute his suit with effect, he shall pay the opposite party one dollar per day and all reasonable expenses by him or them expended while attending any suit so charged.

Mr. Turney moved to lay said amendment on the table, which motion prevailed.

Mr. Turney thereupon offered the following as an amendment to said bill, to wit:

Provided that in all cases where it shall become necessary under the provisions of this act to change the venue, the defendant shall have the privilege to choose and select to which county in the district or circuit his cause shall be changed for trial.

To which Mr. Wheeler offered the following as an amendment thereto, to wit:

And provided further, nothing in this act contained, shall be so construed as to authorize the change of venue until two ineffectual trials to empanel a jury have been had in the county where the offence was committed; unless changed by the consent of the defendant. And the sense of the Senate being had on the said last amendment, it was re-

jected. Mr. Jones of Lincoln thereupon moved the following as an amendment to that of Mr. Turney's, to wit:

Provided always, should the criminal decline or refuse to make such election, then the court shall determine to what county the cause shall be removed for trial, which was accepted by Mr. Turney.

The said amendment was thereupon received as a part of said bill.

The bill was read a third time and passed.

Mr. Jones of Hickman submitted the following:

*Resolved*, That the committee on the Penitentiary, be instructed to examine and report to this General Assembly, whether or not there has been any injustice done the State of Tennessee by any agent or agents of the Penitentiary in buying articles for the use of said institution, or in selling articles manufactured therein, or whether any agents thereof are making for themselves by buying or selling any articles as aforesaid contrary to the interest of the State, and whether all articles are purchased as aforesaid contrary to the interest of the State, and whether all articles as aforesaid are purchased and sold upon as good terms as practicable. And whether it is expedient to appoint an agent whose duty it shall be to buy all articles needed at the Penitentiary, and to sell all articles manufactured thereat, with such other duties as said committee shall deem expedient to assign to such agent. Said committee are hereby invested with power to send for persons and papers and to compel such persons to testify to and answer any interrogations propounded to them by said committee. The chairman of which is hereby authorized to administer oaths to any person brought before them as aforesaid.

And the rule being suspended, said resolution was adopted.

Mr. Smith introduced

A Bill supplemental to an act passed on the 22d day of Sep. 1835, entitled an act to establish Chancery Courts, which was read a first time passed and referred to the committee on the Judiciary.

A message from the House of Representatives, by Mr. Crockett their clerk.

Mr. Speaker: The House of Representatives did this day sign an enrolled act entitled "an Act to allow an additional civil district to counties in this State under certain restrictions."

And then he withdrew. Whereupon the Speaker of the Senate signed said enrolled act, and ordered it to be deposited in the office of the Secretary of State.

Mr. Wheeler submitted the following Preamble and Resolutions, to wit:

Whereas, The Union Bank of Tennessee, the Planters Bank of Tennessee and the Farmers and Merchants Bank of Memphis were chartered by the Legislature of the State of Tennessee, for the purpose of creating mutual advantages to the good people of said State and to the stockholders of said banks respectively, And whereas honesty and fair dealing require that said banks should in good faith, for the benefits and advantages conferred on said institutions save inviolate their charters; And

Whereas, said banks did in the spring of 1837 suspend specie payments, and refused to redeem their notes in gold and silver coin when presented at their counters, as by their charters they were bound to do for the time of months, during which time the note holders of said banks respectively suffered great loss and much inconvenience, and during which time said banks were realizing larger than usual profits. And again on the morning of the of October last, said banks suspended specie payments and again refused to redeem their notes in gold or silver coin when presented at their counters, much to their immediate advantage and greatly to the disadvantage and a pecuniary loss to the citizens of Tennessee and contrary to every principle of right, justice, and honesty, And

Whereas by such suspensions, together with other wrongs believed to have been committed by said banks, this General Assembly have deliberately resolved and determined that said banking institutions have respectively forfeited their charters. But believing also, that the interest of many of the citizens of the State of Tennessee are identified with the continuation of the corporate existence of said banks; and that by causing said banks to wind up their business speedily, some inconvenience or embarrassment might arise to many of the citizens aforesaid. Therefore

*Be it resolved by the General Assembly of the State of Tennessee,* That the following propositions be made to the several banks aforesaid, and that they be allowed thirty days to accept or reject the same, and if accepted, it shall become one section of their respective charters in manner hereinafter specified, viz:

*Section——Be it further enacted,* That within sixty days from the adoption of the aforesaid resolution by this General Assembly, the Union Bank of Tennessee, the Planters Bank of Tennessee, and the Farmers and Merchants Bank of Memphis, shall each resume in good faith specie payment, and should either of said banks or any of their branches again suspend and again refuse to redeem their notes in gold or silver when presented agreeably to their charters, for the space of more than thirty days in one year, then and in that case the charter of said bank is declared null and void; and it shall be the duty of the Governor for the time being, by proclamation, to declare such corporation dissolved and said bank with all its branches shall be wound up as soon as justice and propriety will permit, having due regard to the interest of the bank and its debtors in manner hereinafter directed. And said banks shall not issue any note intended for circulation after the first day of January 1841, of a less denomination than ten dollars. And if any or either of said banks shall forfeit its charter by suspension or in any other manner to be declared by the decision of the courts as provided for in the respective charters, then and in either of said cases the Governor of the State shall appoint nine commissioners who shall act as directors, and shall be good and responsible men and not in any wise interested in said bank, and who shall be under the same rules, regulations and restrictions as the directors whom they supercede, and shall have the same powers and privileges to wind up said banking concern;

and shall continue the cashier or appoint another in his stead as they may think the interests of the bank and the community may require.—And should the President or directors or any of them refuse to surrender up all and every thing which pertain to said bank for the purpose of preventing said commissioners from speedily bringing the affairs of said banking corporation to a close, or withold any money, note, check, or other thing of value which belongs to said banking company, then and in either of said cases such person or persons shall be held and deemed guilty of felony, and shall upon conviction thereof be sentenced to confinement in the Jail and Penitentiary of this State for a period of not less than five nor more than twenty years. And it shall also be the duty of the Governor to appoint five commissioners at each of the branches of said banks as directed for the principal bank, who shall have the same powers as those appointed at the principal bank, and shall be under the direction of the commissioners of the principal bank with regard to the management of said branches respectively; and the President and Directors of the respective branches shall surrender up all and every thing as required of the President and Directors of the principal bank, and on refusal shall be subject to the same fines and penalties as prescribed for the President and Directors of the principal bank, and it is hereby made the duty of said commissioners to close said banking corporation in strict conformity with the charter of said bank. And the Governor shall make such allowance to said commissioners for their respective services as he shall think reasonable and right, to be paid out of the funds of said bank. Now therefore,

*Be it further resolved*, That if said banks or any or either of them shall agree within the thirty days before mentioned to receive the above section as an additional section to their respective charters, each one of them so accepting shall make the same known by the President thereof to the Governor of the State; who shall forthwith by proclamation make known the same to the people of the State of Tennessee, by having the same published in some of the newspapers in the town of Nashville, and from thence forward such section shall be taken and held as an additional section to each bank so as aforesaid accepting. And

*Resolved further*, That if said banks, or any or either of them shall refuse to accept the additional section to their respective charters, then and in that case at the expiration of the thirty days, it shall be the duty of the Attorney General for the State to apply to the Supreme Court of Errors and Appeals for a scire facias to issue as directed by the respective charters of the Union Bank of Tennessee and Planters Bank of Ten., to show cause why their respective charters are not forfeited. And it is also made the duty of the Circuit Court of Shelby county to issue a scire facias against the Farmers and Merchants Bank of Memphis in conformity of the 13th section of the charter of said bank, and it is hereby made the duty of the Attorney General for the district to prosecute said suit to judgment. And the said courts respectively shall specify in either respective scire facias as the ground upon which said forfeiture of charter is claimed, the suspension of said banks in 1837, their suspension at the present time, their having

over issued and their having granted accommodations not authorized but prohibited by their charters; and it shall be the duty of the Attorney General for the State to prosecute the scire facias against the Union and Planters Banks to final judgment.

Mr. Terry submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That the joint committee on Banks, be instructed to report a bill requiring the Bank of Tennessee and its several branches to suspend the collection of discount on their loans for the term of two years.

Mr. Marshall introduced

A Bill to repeal all laws authorizing the Governor to subscribe for stock on behalf the State in any internal improvement and for other purposes, which was read a first time, passed, and one hundred copies thereof ordered, on motion of Mr. Jones of Lincoln, to be printed for the use of the Senate.

A resolution heretofore submitted by Mr. Laughlin, directory to the committee on the Penitentiary in relation to the manufacture and sale of articles by the convicts in said institution, was taken up, read and adopted.

Mr. Gillespy introduced

A Bill to authorize Thomas Neal and David McNabb to enter two quarter sections of land in the Ocoee district.

A Bill to amend an act entitle an act to incorporate the Hiwassee Rail Road Company passed in 1836, both of which were severally read a first and passed.

A Bill to carry into operation the Lunatic Hospital, was taken up, and the motion of Mr. Jennings heretofore made to print five copies thereof for the use of the Senate, was put and determined in the affirmative—ayes 12, noes 9.

The ayes and noes being demanded the affirmative voters were

Messrs. Balch, Brown, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Marshall, Sevier, Smith, Warner, Yoakum and Speaker Love—12.

The negative voters were,

Messrs. Anderson, Coe, Frey, Gaines, Jones of Hickman, Reneau, Turney, Walton and Wheeler—9.

And so said motion prevailed.

On motion of Mr. Laughlin the said bill was referred to the committee of the Whole, and made the order of the day for Friday next.

A message from the House of Representatives proposing two several amendments to the bill to establish the county of Polk, was taken up and read. The first proposition to amend the fifth section of the said bill by adding thereto the names of Thomas Harper and John Hannah as commissioners was concurred with. And the second proposition to amend the 17th section by striking out the word "four" and inserting the word "one," was non-concurred with.

*Ordered*, That the clerk acquaint the House of Representatives therewith.

Mr. Turney submitted the following:

*Resolved*, That after the morning's business, the bills upon the table shall be taken up and acted upon in the order in which they stand.

And the rule being suspended said resolution was adopted.

A Bill to amend an act entitled an act to dispose of the lands in the Ocoee district passed the 29th November 1837, being read, Mr. Gillespy offered an amendment thereto which was accepted.

The bill was read a second time and passed.

A Bill for the relief of John H. Johnson, was referred on motion of Mr. Turney to the committee on Claims.

A Bill from the House of Representatives to alter a part of the dividing line between the counties of Blount and Sevier.

A Bill to give to Jackson College the Academy fund of Maury county and for other purposes.

A Bill to encourage the growth and manufacture of silk in the State of Tennessee.

A Bill giving Johnson county the State tax for 1840 and '41.

A Bill to exempt certain persons from military duty.

A Bill to amend an act entitled an act declaring Ocoee river navigable.

A Bill to give to the citizens residing in the fractional parts of Marshall county, the privilege to file bills and answers in chancery in either courts held in Shelbyville, Fayetteville or Columbia, all of which was severally read a first time and passed.

The bill giving to Johnson county the State tax for the year 1840 and '41, was referred on motion of Mr. Frey to the committee on Ways and Means.

A Bill for the relief of Erby Boyd of Bradley county, was read a second time and passed.

A Bill to incorporate the Bersheba Calebiate Springs in the county of Warren being read, Mr. Laughlin offered an additional section as an amendmens thereto, which was received.

The bill read as amended a second time and passed.

A Bill for the benefit of James Vaughn of Monroe county, was referred to the committee on Claims.

A Bill for the relief of the citizens of Washington county, was read a third time, and the question "shall the bill pass," being thereon had, it was determined in the affirmative—ayes 16, noes 5.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Ashe, Brown, Coe, Gaines, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Reneau, Terry, Turney, Walton and Speaker Love—16.

Those who voted in the negative were

Messrs. Frey, Jones of Hickman, Marshall, Sevier, and Warner—5.

And so said bill passed its third reading, and was ordered to be engrossed and transmitted to the House of Representatives.

The resolution heretofore submitted by Mr. Speaker Love, directory to the Secretary of State in relation to land warrant, No. 1239, was taken up and read.

Mr. Reneau offered the following amendment thereto, to wit:

That all just and bona fide land warrants which have been issued by the State of North Carolina, or any warrants issued by the Register or Commissioners of Tennessee, shall be subject to entry on any vacant and unappropriated land south and west of the congressional reservation line—agreeable to the act of 1835 and '36.

On motion of Mr. Brown the said resolution and amendment were referred to the committee on public lands.

Then the Senate adjourned.

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WEDNESDAY MORNING, Nov. 27, 1839.

The following message from his Excellency James K. Polk, Governor of the State of Tennessee, was announced by Luke Lea, Esq. Secretary of State, and read at the Clerk's table, to wit:

EXECUTIVE DEPARTMENT,
Nashville, Nov. 27, 1839.

*Fellow Citizens of the Senate*
*and of the House of Representatives:*

In pursuance of the 9th section of the Act of of December 5, 1837, entitled "An act to confer Banking privileges on the Stockholders of the Louisville, Cincinnati and Charleston Rail Road Company, on certain terms and conditions," I lay before the General Assembly a statement of "the affairs" of the South Western Rail Road Bank of Charleston, South Carolina, and its Branches, including a statement of the condition of the Branch thereof located at Knoxville, in this State—which statements have been transmitted to me by the President of the Principal Bank.

JAMES K. POLK.

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SOUTH WESTERN RAIL ROAD BANK,
Charleston, S. C. Nov. 12, 1839.

Sir: In conformity with the 9th section of the Charter of incorporation of this Bank, you are herewith respectfully furnished with the affairs of this Bank and its Branch as they stood on the morning of the first day of October, to be laid before the Legislature of your State.

There are three statements. The separate statement of the Principal Bank, the statement of the Branch, and the consolidated statement of both.

Respectfully, your ob't servant,
JAMES LEGARE, Pres't.

His Excellency, Gov. POLK, Tenn.

## STATE OF THE SOUTH WESTERN RAIL ROAD BANK, CHARLESTON, S. C.

### ENDING 30th SEPTEMBER, 1839.

| | | |
|---|---|---|
| LIABILITIES: | | |
| Bank Capital paid in, | $1,335,882 84 | |
| Bank Notes issued, | 684,575 00 | |
| Due to individual Depositors, | 66,762 11 | |
| Due to other Banks, | 212,090 99 | |
| Due to Comptroller General of South Carolina, | 2,183 20 | |
| Due to the Louisville, Cincinnati and Charleston Rail Road Company, Dividend No. 1, | 127 30 | |
| Bank Commissioners, who paid the amount, but have not returned their lists of stockholders, | 25,538 94 | |
| | | $2,327,160 38 |
| Profit and Loss | | 28,150 33 |
| Total, | | $2,355,310 71 |

## ASSETS OF THE SOUTH WESTERN RAIL ROAD BANK,

| | | |
|---|---|---|
| Notes discounted, | | $1,005,091 40 |
| Exchange do. on New York and Philadelphia, | 97,724 90 | |
| do do. on other places, | 43,128 59 | |
| | | 140,853 49 |
| Due from other banks, | | 201,031 91 |
| Due from Bank Agents, | | 31,045 95 |
| Due from Bank Commissioners for amounts received, returns made but not paid in, | | 11,814 30 |
| Ocmulgee Bank Stock, | 100,000 | |
| Capital furnished Branch at Knoxville Tennessee, | 100,000 | |
| State five per cent, Stock of South Carolina, | 200,000 | |
| City five per cent. Stock, | 13,475 | |
| Real Estate, | 25,000 | |
| | | 438,475 |
| Permanent Expense, | | 28,412 63 |
| Cash on hand, viz: | | |
| Gold and Silver, | 185,001 03 | |
| Notes on this Bank, | 265,445 | |
| Notes at Branch at Knoxville, Tenn. | 30,705 | |
| Notes of other Banks, | 17,435 | |
| | | 498,586 03 |
| | | $2,355,310 71 |

JAMES LEGARE, President.
JAMES G. HOLMES, Cashier.

Charleston, S. C., Oct. 1, 1839.

Statement of the South Western Rail Road Bank, and of the Branch at *Knoxville, Tenn.*—*Ending* 30*th* Oct. 1839,

| LIABILITIES, | | |
|---|---|---|
| Capital of Principal Bank, | 1,335.882 84 | |
| do Branches, | 100,000 | |
| | | 1,435,882 84 |
| Notes issued by Principal Bank, | 684,575 | |
| do do Branch, | 95,000 | |
| | | 779,575 |
| Due to other Banks by Principal Bank, | 212,090 99 | |
| Due to Principal Bank by Branch, | 29,345 56 | |
| | | 241,436 55 |
| Due to Comptroller General of S. Carolina by Principal Bank, | | 2,183 20 |
| Louisville, Cincinnati and Charleston Rail Road Company, Dividend No. 1, by P. Bank, | 127 30 | |
| Louisville, Cincinnati and Charleston Rail Road Company, Dividend Number 1, by Branch, | 261 | |
| Bank Dividend No. 1, Branch, | 425 | |
| | | 813 30 |
| Due individual depositors by the Principal Bank, | 66,762 11 | |
| Due individual depositors by Branch, | 13,925 27 | |
| | | 80,687 38 |
| Bank Commissioners by Principal Bank—(See Statement No. 1,) | | 25,538 94 |
| Due Treasurer East Tennessee College by Branch, | 34,918 24 | |
| Due Louisville, Cincinnati and Charleston Rail Road Co. by Branch, | 41,073 98 | |
| | | 75,992 22 |
| Profit and loss, Principal Bank, | 28,150 33 | |
| Branch do | 6,534 98 | |
| | | 34,685 31 |
| Total, | | 2,676,794 74 |

| | | |
|---|---|---|
| ASSETS: | | |
| Notes discounted by Principal Bank, | 1,005,091 40 | |
| do do Branch, | 253,483 73 | |
| | | 1,258,575 13 |
| Exchange do Principal Bank, | 140,853 49 | |
| do do Branch, | 9,200 | |
| | | 150,053 40 |
| Suspended Debt by Branch, | | 62 |
| Due from other banks to Principal Bank, | 201,031 91 | |
| Due from Agents to do do | 31,045 95 | |
| Due from Bank U. States, Philadelphia, to Branch, | 20,128 39 | |
| | | 252,206 25 |
| Due from Bank Commissioners to Principal Bank, (see statement No. 1,) | 11,814 30 | |
| Due from Bank Commissioners to Branch, | 62 50 | |
| | | 11,876 80 |
| STOCKS, Viz: | | |
| Ocmulgee Bank Stock to Prin. Bank, | 100,000 | |
| State five per cent. Stock do | 200,000 | |
| City five per cent. do | 13,475 | |
| Capital of Branch at Knoxville, Tenn. | 100,000 | |
| | | 413,475 |
| Real Estate by Principal Bank, | | 25,000 |
| Permanent Expense, | | 28,412 63 |
| CASH ON HAND, Viz: | | |
| Notes of the Principal Bank, | 265,445 | |
| Notes of the Branch, | 32,290 | |
| Notes of other banks, | 34,474 | |
| Gold and Silver, | 204,924 44 | |
| | | 537,133 44 |
| | | 2,676,794 74 |

CHARLESTON, S. C., Oct. 1st, 1839.

Liabilities of the South Western Rail Road Bank and Branch for notes in circulation and to individual Depositors, with cash and securities immediately convertible into cash, to meet the same, independent of other Bank assets.

The whole amount of notes issued by the Principal Bank and the Branch, have been $779,575, of which there are on hand $297,735, leaving in circulation $481,840, to which add amount due individual Depositors, $80,687 38, making the liabilities of the Bank on these accounts, $562,527 38. To meet which, there is exclusive of other assets of the Bank, Gold and Silver, $204,924 44, Notes of other Banks, $34,474, of State and City 5 per cent. stocks, $213,475, Exchange on New York and Philadelphia matured and maturing within 60 days $127,053 29, besides funds in the hands of Bank Agents $31,045 95, in all amounting to the sum of $610,972 68, leaving an excess of $48,-

445 30 applicable to other liabilities as exhibited in the above statement.

It is proper also to remark, that to determine the actual profits of the Bank to this date, the interest on Bonds, Stocks, &c., and also the Dividends on Bank Stock held by this Bank, must be carried to the account of Profit and Loss, as they will be in making up the account for the next semi-annual Dividend. And that on the other hand there must be deducted from the profit side of that account, unclaimed dividends, the amount of which is not at present exactly ascertained, because of informalities in the returns of some of the Commissioners who received the Bank instalments, and from the fact that in many cases, certificates of stock have not been taken out, and the Dividends by resolution of the Board of Directors, are only payable in that event.

JAMES LEGARE, *President.*
JAMES G. HOLMES, *Cashier.*

On motion of Mr. Brown it was ordered that the foregoing message and accompanying documents be transmitted to the House of Representatives, and that one hundred copies thereof be printed for the use of the Senate.

Mr. Jones of Lincoln presented the memorial of sundry citizens of Lewisburg in Marshall county, in relation to the proceeds of the sale of lots in said town, was referred on his motion to the committee on the Judiciary.

Mr. Marshall introduced

A Bill to define the duty of Rangers and for other purposes, and offered an amendment thereto in lieu of the fourth section of said bill, was received.

The bill was thereupon read a third time and the question "shall the bill pass," being thereon had, it was determined in the affirmative—ayes 21.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gaines, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Smith, Turney, Warner, Walton, Wheeler, Yoakum and Speaker Love—21.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Laughlin from the committee on the Judiciary, to whom was referred a Bill supplemental to an act passed on the 22d of Dec. 1835 entitled, an act to establish Chancery Courts, reported that the committee have had the same under consideration, and had instructed him to report an amendment in lieu of the whole from the enacting clause, and to recommend its passage.

The said amendment was received, the bill read as amended a second time and passed.

Mr. Laughlin from the same, to whom was referred the petition of Sherod Barber, a man of color, reported that the committee have had the same under consideration, think the prayer of the petitioner reason-

able and ought to be granted, and had therefore instructed him to report a Bill concerning the emancipation of slaves, and to extend the benefits of the act of 1835 ch. 81, and to recommend its passage.

Whereupon the said bill was read a first time and passed.

Mr. Laughlin from the same committee, to whom was referred, a Bill to prohibit the practice of permitting slaves to act as if they were free persons of color, reported that the committee have had the same under consideration, think the provisions reasonable, and had instructed him to recommend its passage.

Whereupon the said bill was read a second time and passed.

Mr. Gillespy returned with an amendment in lieu of the whole from the enacting clause, a Bill for the relief of such persons as made improvements upon school sections of land in the Ocoee district.

The said amendment was received, the bill read as amended a second time and passed.

Mr. Marshall submitted the following:

*Resolved*, That the committee on the Penitentiary, be instructed to enquire into the expediency of providing by law, that the superintendent of the Penitentiary shall pass his accounts before the Chancery Court, in which the county of Davidson is from term to term upon a bill filed by the Attorney of the District for the purpose, and that said committee report by bill or otherwise.

And the rule being suspended, said resolution was adopted.

Mr. Reneau reported as correctly enrolled, an Act to extend the corporate limits of the town of Fayettville in Lincoln county, which was signed by the Speaker of the Senate and ordered to be transmitted to the House of Representatives.

Mr. Reneau submitted the following Preamble and Resolution.

Whereas, there are many persons who have grants that have lost the lands for which they issued, and also many persons who have warrants which they say have never been satisfied, and both claim the aid of legislation to enable them to obtain what they alledge is their rights. And whereas also it is unreasonable to legislate for the benefit of one claimant, or one class of claimants without making similar provisions for all, whose claims are equally good with that of the individuals or class of individuals for whose benefit we do legislate, And whereas our legislation to be just and constitutional ought to be general and equal to all, and not special and partial, Therefore,

*Resolved*, That the committee to whom this subject has been referred be, and they hereby are instructed to inquire into the propriety of adjudicating grants heretofore issued for lands south of French Broad and Holston, and between the rivers Big Pigeon and Tennessee, where the lands for which they issued have been lost, and the issuing of certificate warrants to all such claimants; provided that such claimant shall produce a copy of the warrant and which such grant issued; and provided also, that it does not appear that any warrant or certificate has heretofore issued on said grants.

A Bill to amend an act entitled, an Act to dispose of the lands in the

Ocoee district, passed the 29th Nov. 1837, was read a third time and passed—ayes 22, noes 1.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Ashe, Balch, Brown, Frey, Gaines, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Jones of Hickman, Laughlin, Marshall, Reneau, Sevier, Smith, Terry, Turney, Walton, Warner, Yoakum and Speaker Love—22.

Mr. Anderson voting in the negative.

And thereupon the Senate adjourned.

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THURSDAY MORNING, NOV. 28, 1839.

On motion of Mr. Hardwicke the petition of William B. Young & Co. was referred to the committee on the Judiciary.

The petition of James Spencer was referred on motion of Mr. Terry, to the committee on the Ocoee district.

A resolution directory to the Register of the Western District from the House of Representatives, was taken up and read, and amended on motion of Mr. Jones of Lincoln, by adding thereto after the word "accident," the following:

And that when lost or destroyed they had written in the face of each "satisfied or appropriated."

The resolution was again read as amended and adopted.

*Ordered*, That the clerk acquaint the House of Representatives of the said amendment, and ask their concurrence therein.

A Bill giving further time for surveying further entries and obtaining grants thereon, was read a third time and passed—ayes 21.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Balch, Brown, Coe, Frey, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Jones of Hickman, Laughlin, Marshall, Reneau, Sevier, Turney, Terry, Walton, Warner, Wheeler, and Speaker Love—21.

And so said bill passed its third and last reading in both Houses.

Mr. Reneau introduced

A Bill to lessen the expenses of settling with guardians in certain cases, which was read a first time and passed.

A message from the House of Representatives, proposing an amendment to the bill to suspend so much of an act entitled an Act to establish a State Bank to raise a fund for internal improvovement, and to aid in the establishment of a system of education, passed the 19th Jan. 1838, as authorizes the Governor of the State to issue the bonds of the State, was taken up, read, and non-concurred with.

*Ordered*, That the clerk acquaint the House of Representatives therewith.

On motion of Mr. Turney the Senate took up and considered the

resolution heretofore ordered to the table, providing for the election of an additional clerk for the Senate when necessary.

Mr. Turney moved to amend said resolution by striking therefrom the words "when necessary," for the purpose of inserting in lieu thereof the words "on to-morrow," which motion prevailed.

Mr. Jones of Hickman, therefore moved further to amend by providing that the clerk to be elected should not receive for his services a sum exceeding four dollars per day.

Mr. Coe moved to lay said amendment on the table. And thereupon the question was had and determined in the affirmative—ayes 16, noes 6.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Balch, Brown, Coe, Frey, Gillespy, Jennings, Jones of Lincoln, Laughlin, Reneau, Sevier, Terry, Turney, Walton, Warner and Speaker Love—16.

Those who voted in the negative were

Messrs. Anderson, Hardwicke, Jones of Hickman, Marshall, Wheeler and Yoakum—6.

And so said amendment was ordered to the table.

The said resolution was thereupon put upon its adoption, and the question thereon being had, it was determined in the negative—ayes 12, noes 12.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Coe, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Smith, Terry, Turney, Warner, Yoakum and Speaker Love—12.

Those who voted in the negative were,

Messrs. Anderson, Ashe, Balch, Brown, Frey, Jennings, Jones of Hickman, Marshall, Reneau, Sevier, Walton and Wheeler—12.

And so said resolution was rejected.

Mr. Jones of Lincoln introduced

A Bill to amend the criminal laws of this State, which was read a first time, passed, and referred to the committee on Ways and Means.

Mr. Jones of Hickman introduced

A Bill to protect county creditors, which was read a first time, passed, and referred to the committee on the Judiciary.

A message from the House of Representatives, by Mr. Crockett, their Clerk:

Mr. Speaker: The House of Representatives did this day sign an enrolled act, entitled An act to amend an act entitled, "An act to dispose of the lands in the Ocoee district, passed the 29th Nov. 1837.

And then he withdrew. Whereupon the Speaker of the Senate signed said enrolled act, and ordered it to be deposited in the office of the Secretary of State.

Mr. Yoakum submitted the following:

*Resolved*, That the committee on Education and Common Schools, be instructed to enquire into the expediency of abolishing the distinction between the taxes on school lands and taxes on deeded lands,

so that all the taxes may be collected and accounted for, as of deeded land, and that a specific sum in lieu thereof be appropriated from the Treasury.

A Bill from the House of Representatives to establish the county of Powell, was read a first time and passed.

Mr. Balch asked and obtained leave to withdraw the said bill for amendment.

A message from the House of Representatives by Mr. Crockett, their clerk.

Mr. Speaker: The House of Representatives again non concur with the Senate's amendment to the bill establishing the county of Polk, which proposes to give to the commissioners for the use of said county four instead of two sections of land.

And then he withdrew. Whereupon the Senate receded from their said proposed amendment.

Mr. Balch asked and obtained leave to withdraw for amendment, a Bill to amend the practice in the courts of chancery.

A bill for the benefit of the occupant settlers south and west of the congressional reservation line being read, Mr. Coe offered an additional section as an amendment thereto, which was received.

The bill read as amended a third and last time, and the question "shall the bill pass," being thereon had, it was determined in the affirmative—ayes 19. The voters were

Messrs. Aiken, Anderson, Brown, Balch, Coe, Frey, Gillespy, Jennings, Jones of Hickman, Jones of Lincoln, Marshall, Reneau, Sevier, Terry, Turney, Warner, Walton, Wheeler and Speaker Love—19.

And said bill passed its third reading.

A Bill concerning the emancipation of slaves, and to extend the benefits of the act of 1833, ch. 81, being read, Mr. Coe offered an amendment thereto which was accepted.

Mr. Reneau thereupon asked and obtained leave to withdraw the same for amendment.

A Bill to prevent public county roads from being obstructed by certain turnpike companies and others, was taken up and read.

Mr. Jones of Hickman moved to strike out the word "six," and insert the word "ten," which motion prevailed.

The said bill was thereupon read a third time, and the question "shall the bill pass," being thereon had, it was determined in the affirmative, ayes 15, noes 7.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Balch, Brown, Coe, Frey, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Marshall, Reneau, Wheeler, Yoakum and Speaker Love—15.

The said bill was on motion of Mr. Coe ordered to the table.

The petitions of sundry citizens of the fractions of Smith and Sumner counties in relation to a new county, was on motion of Mr. Walton referred to the committee on new Counties and County lines.

Mr. Aiken presented the following communication from Joel M. Smith, to wit:

NASHVILLE, Nov. 27, 1839.

*To the General Assembly of the State of Tennessee:*

The undersigned, who by contract with your honorable body has been employed to do the job printing of both your Honorable Houses, and also to print the acts of the present General Assembly, has sold his printing establishment called the "Union Office," and the beneficial interest in said contract to Jeremiah G. Harris, who is bound to the undersigned to perform all the said printing according to the contract or contracts of the undersigned. The undersigned has given his bonds for the performance of said contract, but for the sake of simplifying the accounts, responsibilities and mode of executing said contracts, the undersigned is willing that the said contracts should by resolution be transferred to said Harris as his successor and assignee, in order that he may become directly responsible by going into new bonds, or additional bonds, as your honorable body may require, on said contracts being transferred to him.

JOEL M. SMITH.

Mr. Aiken submitted the following:

*Resolved by the General Assembly of the State of Tennessee,* That whereas, Joel M. Smith, who contracted to do and perform the job printing, and print the public acts of this General Assembly, has transferred the said contract together with his printing establishment to Jeremiah George Harris, and has sigifined such transfer to the General Assembly, together with his consent that said Harris shall be appointed to perform said contract in place of said Joel M Smith, Therefore,

*Be it further resolved,* That Jeremiah George Harris is hereby appointed public Printer to this General Assembly, and that he be required to give bonds in addition to the bonds given by Joel M. Smith, with security in like amounts, and of the same tenor and effect as said bonds already given by Joel M. Smith, to be approved of according to law.

And the rule being suspended, said resolution was put upon its adoption; and being thereon had, it was determined in the affirmative—ayes 13, noes 11.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Wheeler, Yoakum and Speaker Love—13.

Those who voted in the negative were,

Messrs Anderson, Ashe, Brown, Frey, Jennings, Jones of Hickman, Marshall, Reneau, Sevier, Terry and Walton—11.

And so said resolution was adopted.

*Ordered,* That the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr. Reneau returned a bill concerning the emancipation of slaves, and to extend the benefits of the act of 1833, ch. 81, which was read a second time and passed.

Mr. Yoakum asked and obtained leave to withdraw for amendment,

A Bill to abolish the office of superintendent of public instruction.

On motion of Mr. Aiken,

A Bill to incorporate the Union College in Robertson county, was taken up, read a second time and passed.

On motion of Mr. Yoakum,

A Bill to amend the several laws in this State relative to common schools and for other purposes, was ordered to the table.

A Bill supplemental to an act passed on the 22d of Dec. 1835 entitled, an Act to establish Chancery Courts, was read a third time and passed—ayes 16, noes 7.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Smith, Turney, Warner, Walton, Yoakum and Speaker Love—16.

The negative voters were

Messrs. Aiken, Ashe, Anderson, Balch, Coe, Jones of Hickman and Terry—7.

And so said bill passed its third reading, and was ordered to be engrossed and transmitted to the House of Representatives.

A Bill to provide for the correction of the survey of range 4, west of the basis line in the Ocoee district, was read.

Mr. Jones of Hickman moved to amend said bill by striking out therefrom the following, to wit:

And it shall also be the duty of the entry taker in every such case to refund to any such enterer the amount of money paid into his office for such deficiency. And the sense of the Senate being thereon had, the said proposition was rejected.

Mr. Gillespy moved to insert the words "in Tennessee notes" after the word "refund," which motion prevailed.

Mr. Jones of Lincoln offered an additional amendment thereto, which was accepted.

Mr. Jones of Hickman moved further to amend by inserting the words, "or overplus" after the word "deficiency," which motion was lost.

The said bill was further amended on motion of Mr. Marshall, read a second time and passed.

Mr. Gillespy introduced

A Bill to authorize the County Court of Blount county to make an allowance to James Glass, former Jailer of said county, which was read a first time and passed.

A Bill for the relief of John W. Fowler, was read a third time and passed—ayes 19, noes 1.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Re-

neau, Smith, Sevier, Turney, Walton, Warner, Wheeler and Speaker Love—19.

Mr. Balch voting in the negative.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A Bill to restore certain persons to the rights and privileges of citizens, was read a second time and passed.

Mr. Warner submitted the following:

*Resolved*, That the committee on the judiciary, be instructed to inquire and report by bill or otherwise, upon the propriety of establishing a district Chancery Court at Lewisburg in the county of Marshall. And

Mr. Brown the following:

*Resolved by the General Assembly of the State of Tennessee*, That no action on the part of this General Assembly will be taken either for or against the chartered banks of this State, but leave the banks to the direction of the President and Directors thereof.

On motion of Mr. Coe,

*Ordered*, That 625 copies of the report of the Secretary of State in relation to the State bonds, be printed in pamphlet form for the use of the Senate, in addition to the two hundred copies heretofore ordered to be printed.

And then the Senate adjourned.

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FRIDAY MORNING, NOV. 29, 1839.

Mr. Anderson presented a petition from sundry citizens of Wilson county; and

Mr. Marshall a petition of sundry ladies of Williamson county, remonstrating against a repeal of the tippling act of 1837. Both of which were ordered to be transmitted to the House of Representatives.

Mr. Speaker Love presented a communication from W. Nichol, President of the Bank of Tennessee, made in obedience to a resolution of the Senate, adopted on the 23d of October, exhibiting the amount of the salaries paid to the several officers of the Branches of the Bank of Tennessee, and the present expenditures for banking houses and the probable cost of them when completed. Which was read and referred, on motion of Mr. Jones of Lincoln, to the committee on banks.

On motion of Mr. Anderson,

*Ordered*, That Mr. Frey be added to the Committee on the Judiciary.

Mr. Warner's resolution of yesterday, providing for the establishment of a District Chancery Court at Lewisburg, in Marshall county, was taken up, read and adopted.

A Bill from the House of Representatives incorporating the town of Ashport, was read a first time and passed.

On motion of Mr. Gillespy, the Senate resolved themselves into a committee of te Whole, Mr. Frey in the Chair, on the bill to carry into operation the Lunatic Hospital, and after some time spent in the

consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

Mr. Balch returned a bill to amend the practice in the courts of chancery, and offered an additional section as an amendment thereto, providing that when any injunction shall be granted by any of the Chancellors or judges in this State, in any suit in chancery to stay the collection of money, the same shall not be dissolved until each suit shall be decided "on its merits." And thereupon the question was had and determined in the affirmative—ayes 12, noes 11.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Smith, Warner, Wheeler and Mr. Speaker Love—12.

Those who voted in the negative were

Messrs. Ashe, Brown, Frey, Jennings, Laughlin, Marshall, Reneau, Sevier, Turney, Walton and Yoakum—11.

And so said amendment was accepted.

Mr. Jones of Lincoln moved to strike from the second section of said bill all that part thereof giving the Chancery courts power to enter up judgments and decrees upon notes, bills, bonds and other instruments for the payment of money, which shall be given to or taken by the clerk and master, or any commissioner of such court, and where the parties liable thereon shall have failed to comply therewith, or made default on the payment of the same, and where the note, bill, bond or instrument shall be deposited in such court. And the question, Will the Senate make the amendment? being thereon had, it was determined in the affirmative—ayes 13, noes 10.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Coe, Hardwicke, Jones of Hickman, Jones of Lincoln, Smith, Terry, Turney, Warner, Yoakum and Speaker Love—13.

The negative voters were

Messrs. Ashe, Brown, Frey, Jennings, Laughlin, Marshall, Reneau, Sevier, Walton and Wheeler—10.

And so said motion prevailed.

Mr. Hardwicke thereupon moved a reconsideration of the vote accepting Mr. Balch'e amendment.

And thereupon the question was had and determined in the affirmative—ayes 14, nays 8. The ayes and noes being demanded, the affirmative voters were

Messrs. Anderson, Ashe, Brown, Coe, Frey, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Marshall, Sevier, Turney, Walton, and Yoakum—14.

Those who voted in the negative were

Messrs. Aiken, Balch, Jones of Hickman, Smith, Terry, Warner, Wheeler and Speaker Love—8.

And so said amendment was reconsidered.

Mr. Laughlin thereupon moved to lay said amendment on the table.

And the question being thereon had, it was determined in the negative—ayes 11, noes 13. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Brown, Frey, Hardwicke, Jennings, Laughlin, Marshall, Reneau, Sevier, Walton and Yoakum—11.

The negative voters were

Messrs. Aiken, Anderson, Balch, Coe, Gillespy, Jones of Hickman, Jones of Lincoln, Smith, Terry, Turney, Warner and Mr. Speaker Love—13.

And so said motion was lost.

On motion of Mr. Turney, the said bill and amendment were ordered to the table.

Mr. Balch returned a bill to establish the county of Powell.

Mr. Jones offered an amendment to the 13th section thereof, which was accepted. The bill was read as amended a second time and passed. On motion,

Then the Senate adjourned.

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SATURDAY MORNING, NOV. 30, 1839.

Mr. Anderson presented the petition of sixty-five citizens of Wilson county, remonstrating against the repeal of the tippling act; which was, on his motion, ordered to be transmitted to the House of Representatives.

Mr. Terry presented the petition of Samuel B. Mead, which was read and on his motion ordered to be referred to the committee on Internal Improvements.

Mr. Turney, from the committee on new counties and county lines, introduced

A Bill to establish permanently the seat of justice in Hamilton county, which was read a first time and passed.

Mr. Terry introduced a bill for the relief of James Spencer of Meigs county, in the Ocoee district; which was read a first time, passed, and referred to the committee on the Ocoee district.

Mr. Laughlin submitted the following:

*Resolved*, That the committee on Internal Improvement be instructed to enquire into and report by bill or otherwise, the propriety of creating a Board of Public Works, with power in said board to superintend, control, revise and correct all expenditures on works of Internal Improvement, and to direct and control all works hereafter to be commenced, and to designate such as shall be commenced, and with such other powers as said committee may deem expedient and proper.

*Resolved*, That said committee be directed to examine and report what particular charters for public works of internal improvement heretofore granted ought to be repealed, and what charters for like works ought to be continued, whether the works contemplated under said charters have been commenced or not.

Mr. Laughlin introduced, a Bill to regulate and alter the time of holding certain chancery and circuit courts, and for other purposes; which was read a first time and passed.

Mr. Reneau introduced

A Bill to increase the damages brought upon inland bills of exchange; which was read a first time and passed.

A Bill to incorporate the town of Ashport was read a second time and passed.

A message from the House of Representatives by Mr. Crockett, their Clerk:

Mr. Speaker: The Speaker of the House of Representatives did this day sign an enrolled bill, entitled An act to establish the county of Polk, and an enrolled bill entitled An act to amend the act of 1827, ch. 30, entitled an act in relation to the change of venue in criminal cases.

And then he withdrew. Whereupon the Speaker of the Senate signed said enrolled bills and ordered them to be deposited in the office of the Secretary of State.

Mr. Sevier introduced

A Bill for the relief of the citizens of Carroll county, which was read a first time and passed.

A message from the House of Representatives, proposing sundry amendments to a bill to incorporate a turnpike road and bridge company from Johnsville across Reelfoot lake to the Mississippi river, was taken up, read and concurred with.

*Ordered*, That the clerk acquaint the House of Representatives therewith.

A Bill from the House of Representatives to incorporate the inhabitants of the town of Hampshire in the county of Maury, was read a first time and passed.

A bill for the relief of such persons as made improvements in the school sections of the Ocoee district, being read, Mr. Terry offered an additional section as an amendment thereto, providing that the Governor of the State of Tennessee shall appoint commissioners in the event that those or any one appointed by the act should refuse to act as such, which amendment was received.

Mr. Jones of Lincoln moved further to amend by striking from said bill the third and fourth sections thereof.

And thereupon the question was had and determined in the affirmative—ayes 12, noes 8. The yeas and nays being required, those who voted in the affirmative were

Messrs. Balch, Brown, Coe, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Sevier, Smith, Warner and Wheeler; 12.

The negative voters were,

Messrs. Aiken, Gillespy, Hardwicke, Reneau, Terry, Turney, Yoakum and Mr. Speaker Love—8.

So said motion prevailed.

Mr. Jones of Lincoln offered a further amendment thereto.

Mr. Reneau moved to lay the bill and amendment on the table, which motion prevailed.

A bill to establish the county of Powell, was read a third time and passed—ayes 21.

The ayes and noes being demanded, the affirmative voters were

Messrs. Aiken, Balch, Brown, Coe, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Smith, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Love—21.

And so said bill passed its third reading.

A bill to provide for the correction of the survey of range four, west of the basis line in the Ocoee district, was read a third time and passed—ayes 20, noes 1.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Brown, Coe, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Smith, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Mr. Speaker Love—20.

Mr. Balch voting in the negative—1.

And so said bill passed its third reading.

A bill to provide for the probate and registration of deeds and other instruments executed beyond the limits of the United States, and for other purposes, being read,

Mr. Marshall offered two several amendments thereto, which were accepted. The bill was thereupon read a third time and passed—ayes 20.

The ayes and noes being required, the affirmative voters were,

Messrs. Aiken, Balch, Brown, Coe, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier Terry, Turney, Walton Warner, Wheeler, Yoakum and Speaker Love—20.

And so said bill passed its third reading and was ordered to be transmitted to the House of Representatives.

On motion of Mr. Yoakum, the bill to amend the practice in the Courts of Chancery was taken up and read.

Mr. Yoakum moved a reconsideration of the vote of yesterday, striking out a part of the second section of said bill.

And thereupon the question was had and determined in the affirmative—ayes 12, noes 10. The ayes and noes being demanded the affirmative voters were

Messrs. Ashe, Brown, Gillespy, Jennings, Marshall, Reneau, Sevier, Turney, Walton, Wheeler and Yoakum—12.

Those who voted in the negative were,

Messrs. Aiken, Balch, Coe, Hardwicke, Jones of Hickman, Jones of Lincoln, Smith, Terry, Warner and Mr. Speaker Love.

And so said amendment was reconsidered.

Mr. Yoakum offered an amendment to said bill, which being amended on motion of Mr. Jones of Lincoln, was received.

On motion of Mr. Balch, said bill was ordered to the table.

And then the Senate adjourned.

MONDAY MORNING, Dec. 2, 1839.

Mr. Balch presented a communication from Valentine Seveir Esq., which was read and referred on his motion to the committee on the Judiciary.

Mr. Warner presented a memorial from the annual conference of the Methodist Protestant Church protesting against a repeal of the tippling act of 1837 and '38, which was read and ordered to be transmitted to the House of Representatives.

Mr. Warner from the committee on Claims, to whom was referred the petition of James Bradford, reported that the committee have had the same under consideration, think the prayer of the petitioner reasonable and just, and had therefore instructed him to report, a Bill for the relief of James Bradford, and to recommend its passage.

Whereupon the said bill was read a first time and passed.

Mr. Reneau introduced

A Bill to incorporate the citizens of Morganton in Blount county.

Mr. Laughlin introduced

A Bill to explain and extend the provisions of the act of 1794, ch. 1, section 32, concerning witnesses.

Mr. Coe introduced

A Bill to authorize the Clerk and Master at Sommerville to keep a deputy at Memphis. And

A Bill to amend an act passed Nov. 30, 1837 entitled, an Act to amend an Act to establish Circuit Courts, passed Jan. 25, 1836 and for other purposes; all of which were severally read a first time and passed.

Mr. Jones of Lincoln introduced

A Bill to consolidate the fund and to provide for but one instead of two separate classes of public schools in Lincoln county in this State; which was read a first time, passed, and referred on motion of Mr. Yoakum, to the committee on education and common schools.

On motion of Mr. Turney, it was ordered that the committee on Banks, be discharged from the further consideration of a bill to remove the Branch Bank of Tennessee from Clarksville to Sparta in White county.

A Bill from the House of Representatives to incorporate the Trustees of the Ashland Academy in Wayne county and for other purposes, was read a first time and passed.

Mr. Walton introduced

A Bill to establish the county of Macon, in honor of Nathaniel Macon of North Carolina, which was read a first time and passed, and ordered to be referred to the committee on New Counties and County Lines.

Mr. Wheeler submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That the Senate meet the House of Representatives in their hall on to-morrow at 10 o'clock, a. m., for the purpose of electing a Register for the Mountain District.

And the rule being suspended said resolution was adopted.

*Ordered*, That the Clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr. Jones of Hickman submitted the following:

*Resolved*, That the Comptroller be directed to report to the Senate, whether any solicitor or other persons employed to collect public monies from delinquent Sheriffs or Clerks have collected the same, or any part thereof and have failed to pay it over, and if so, for what amount and for what length of time such persons have been defaulters.

And the rule being suspended said resolution was adopted.

A Bill concerning the emancipation of Slaves and to extend the benefits of the act of 1833, ch. 81, being read, Mr. Reneau offered an additional section thereto, which was received.

The bill was thereupon read as amended a third time and passed—ayes 12, noes 7.

The ayes and noes being demanded, the affirmative voters were

Messrs. Ashe, Balch, Brown, Coe, Jennings, Jones of Hickman, Laughlin, Reneau, Sevier, Turney, Walton and Speaker Love—12.

The negative voters were,

Messrs. Jones of Lincoln, Marshall, Smith, Terry, Warner, Wheeler and Yookum—7.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Turney presented a communication from Luke Lea, Esq. entry taker of the Ocoee District, which was read, and on his motion referred to the committee on the Ocoee District.

A Bill to repeal an act passed Oct. 25, 1837, declaring Buffaloe river navigable up to Beardstown in Perry county, was read a third time, passed, and ordered to be engrossed and transmitted to the House of Representatives.

A Bill giving further time to former sheriffs to collect arrearages of taxes, was read a third time and passed—ayes, 15, noes 4.

The yeas and nays being demanded, those who voted in the affirmative were

Messrs. Ashe, Balch, Brown, Coe, Jennings, Jones of Hickman, Laughlin, Marshall, Reneau, Sevier, Smith, Walton, Warner, Wheeler and Yoakum—15.

Those who voted in the negative were

Messrs. Jones of Lincoln, Terry, Turney and Speaker Love—4.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A Bill to restore certain persons to the rights and privileges of citizens, was read a third time and passed—ayes 18, noes 2.

The ayes and noes being demanded by the Constitution, those who voted in the affirmative were

Messrs. Aiken, Ashe, Balch, Brown, Coe, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Reneau, Smith, Sevier, Terry, Turney, Walton, Wheeler and Speaker Love—18.

Those who voted in the negative were

Messrs. Warner and Yoakum—2.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A Bill to incorporate the inhabitants of the town of Ashport, was read a third time and passed.

A Bill to incorporate the Union College in Robertson county, was read a third time and passed—ayes 17.

The ayes and noes being required by the Constitution, those who voted in the affirmative were

Messrs. Aiken, Balch, Brown, Coe, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Love—17.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A Bill to amend an act entitled, an Act to reform and amend the penal laws of the State of Tennessee, passed the 9th day of Dec. 1829, being read, Mr. Yoakum moved to strike therefrom the last section thereof.

And thereupon the question was had, and determined in the negative—ayes 5, noes 15. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Balch, Coe, Jones of Lincoln, Yoakum and Speaker Love, 5.

Those who voted in the negative were

Messrs. Aiken, Ashe, Brown, Jennings, Jones of Hickman, Laughlin, Marshall, Reneau, Sevier, Smith, Terry, Turney, Walton, Warner, and Wheeler—15.

And so said motion was rejected.

The said bill was thereupon read a third time and passed—ayes 16, noes 5.

The ayes and noes being demanded the affirmative voters were

Messrs. Aiken, Ashe, Brown, Gillespy, Jennings, Jones of Hickman, Laughlin, Marshall, Reneau, Sevier, Smith, Terry, Turney, Walton, Warner and Wheeler—16.

Those who voted in the negative were

Messrs. Balch, Coe, Jones of Lincoln, Yoakum and Speaker Love, 5.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A Bill to establish the town of Chattanooga in Hamilton county, and to incorporate the same, was read a second time and passed.

A Bill prescribing the mode in which the laws of other States of this Union shall be received as evidence in this State, was read a third time and passed—ayes 20.

The ayes and noes being required by the Constitution, those who voted in the affirmative were

Messrs. Aiken, Balch, Brown, Coe, Gillespy, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Renean, Sevier, Smith, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Love—20.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A Bill to amend the sixth section of the act of 1836, ch. 19, was read a third time and passed—ayes 12, noes 7.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Brown, Coe, Gillespy, Laughlin, Marshall, Reneau, Sevier, Turney, Walton, Yoakum and Speaker Love—12.

Those who voted in the negative were

Messrs. Balch, Jones of Hickman, Jones of Lincoln, Smith, Terry, Warner and Wheeler—7.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A message from the House of Representatives by Mr. Crockett their Clerk.

Mr. Speaker: The House of Representatives concur with your resolution to go into the election of a Register for the Mountain District on to-morrow. The Speaker of the House of Representatives did this day sign an enrolled bill entitled, an Act giving further time for surveying entries and obtaining grants thereon.

And then he withdrew. Whereupon the Speaker of the Senate signed said enrolled bill, and ordered it to be deposited in the office of the Secretary of State.

Mr. Coe introduced

A Bill to increase the salaries of the Supreme Court Judges, which was read a first time, passed, and referred to the committee on the Judiciary.

Mr. Wheeler introduced

A Bill to extend the benefits of the act of 1829 ch. 76, which was read a first and passed.

A Bill further to amend an act entitled, an Act more effectually to subject property in this State belonging to non-resident debtors, to the payment of their debts due citizens of other States, passed 15th Feb. 1836, was read a third time and passed—ayes 18.

The ayes and noes being demanded, the affirmative voters were

Messrs. Balch, Brown, Gillespy, Jennings, Jones of Lincoln, Jones of Hickman, Laughlin, Marshall, Reneau, Sevier, Smith, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Love—18.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A Bill to amend an act entitled, an Act to incorporate the Hiwassee Rail Road Company passed in 1836, was read a second time and passed.

Mr. Laughlin asked and obtained leave to withdraw for amendment a Bill to incorporate the Bersheba Chalybeate Springs in the county of of *W*arren.

A Bill for the relief of females, and to authorize the granting of divorces in certain cases being read, Mr. Yoakum moved to amend by striking therefrom the preamble thereto, which motion prevailing, the said bill was thereupon read a third time and passed—ayes 18.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Balch, Brown, Gillespy, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Smith, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Love—18.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A Bill to prohibit the practice of permitting slaves to act as if they were free persons of color, was read a third time and passed—ayes 12, noes 6.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Brown, Jennings, Jones of Lincoln, Laughlin, Marshall, Sevier, Smith, Turney, Walton, Warner, Wheeler and Yoakum—12.

Those who voted in the negative were

Messrs. Balch, Gillespy, Jones of Hickman, Reneau, Terry and Speaker Love—6.

And so said bill pased its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A Bill for the relief of Erby Boyd of Bradley county, was taken up.

Mr. Wheeler moved its reference to the committee on claims, which motion was lost.

The said bill was thereupon read a third time and passed—ayes 15, noes 4.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Brown, Gillespy, Jennings, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Smith, Terry, Turney, Warner, Walton, Yoakum and Speaker Love—15.

Those who voted in the negative were,

Messrs. Balch, Jones of Hickman, Warner and Wheeler—4.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

And then the Senate adjourned.

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Tuesday Morning, Dec. 3, 1839.

The Speaker presented the report of the Directors of the Lebanon and Sparta Turnpike Company, which was read and ordered to be transmitted to the House of Representatives.

A bill to exempt persons disabled by sickness or other causes from working on public roads, was read a third time and passed—ayes 16, noes 1.

The ayes and noes being demanded, the affirmative voters were

Messrs. Ashe, Balch, Brown, Coe, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Smith, Walton, Warner, Wheeler and Speaker Love—16.

Mr. Yoakum voting in the negative—1.

And so said bill passed its third and last reading, and was ordered to be transmitted to the House of Representatives.

A bill to repeal all laws authorizing the printers of newspapers to publish the laws of the State, was read a third time and rejected—ayes 6, noes 15.

The ayes and noes being demanded, the affirmative voters were Messrs. Ashe, Brown, Jennings, Sevier, Turney and Walton—6.

The negative voters were

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Reneau, Smith, Warner, Wheeler, Yoakum and Speaker Love—15.

And so said bill was rejected on its third and last reading.

A message from the House of Representatives by Mr. Crockett, their clerk.

Mr. Speaker: The House of Representatives are now ready to receive the Senate in their Hall, for the purpose of going into the election set apart for this day.

And then he withdrew. Whereupon the Speaker and gentlemen of the Senate repaired to the Hall of the House of Representatives, and thereupon the two Houses proceeded, viva voce, under the provisions of the Constitution, to the election of a Register for the Mountain District.

Richard Nelson of the county of White being in nomination, and there being no opposition, those who voted for him were

Messrs. Aiken, Ashe, Balch, Brown, Coe, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Smith, Terry, Turney, Warner, Wheeler, Yoakum and Speaker Love—22.

The vote being continued by the House of Representatives, the aggregate vote was for Nelson 89; whereupon the Speaker of the Senate declared Richard Nelson of the county of White to be duly and constitutionally elected.

And thereupon the Speaker and gentlemen of the Senate returned to their own chamber.

Mr. Turney submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That this General Assembly adjourn from the town of Nashville to meet at some other place.

On motion of Mr. Gillespy,

*Ordered*, That the committee on Internal Improvement be discharged from the further consideration of a bill to increase the capital stock of the Nolensville turnpike company.

The said bill was thereupon read a first time and passed.

A bill from the House of Representatives to provide for the payment of twenty-five dollars to Holman and Hollingsworth for services rendered the State, was read a third time and passed—ayes 12, noes 8.

The ayes and noes being demanded by the constitution, the affirmative voters were

Messrs. Aiken Coe, Gillespy, Hardwicke, Jennings, Laughlin, Marshall, Reneau, Smith, Warner, Yoakum and Speaker Love—12.

The negative voters were

Messrs. Ashe, Brown, Jones of Hickman, Jones of Lincoln, Sevier, Terry, Walton and Wheeler—8.

And so said bill passed its third reading.

A bill to amend the several laws now in force in this State concerning bastardy, was read a third time and passed—ayes 19.

The ayes and noes being required by the constitution, the affirmative voters were

Messrs. Ashe, Balch, Brown, Coe, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Smith, Walton, Warner, Wheeler, Yoakum and Mr. Speaker Love—19.

And so said bill passed its third and last reading, was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Jennings submitted the following:

Whereas, a high tariff, under whatever pretence levied, tends to build up a great system of manufactures, by taxing the whole people, and especially the people of the planting States, for the benefit of the northern capitalist, and whereas by the inevitable operation of every such law the value of the productive industry of the Southern section of the Union is greatly diminished, and handed over without consideration to another section; and whereas, the same unwise system of taxation has heretofore seduced, and must always seduce the authorities of the Federal Government away from the practice of economy, and into the device of plans for the extravagant expenditure of the public money, therefore

*Resolved by the General Assembly of the State of Tennessee*, That our Senators in Congress be instructed and our Representatives be requested to resist any attempt which may be made, from whatever quarter it may come, to increase the duties on imported goods beyond the rate fixed by act of Congress passed for that purpose during the session of 1832–3.

*Resolved*, That the Governor of the State of Tennessee be required to forward a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

Mr. Laughlin introduced

A Bill to incorporate the Bersheba Chalybeate Springs in Warren county, and proposed an amendment thereto providing for the incorporation of the Bloomingdale Medicinal Springs, in Franklin county, and the Coffee county Medicinal Springs. And the sense of the Senate being thereon had, the said amendment was accepted.

Mr. Aiken moved further to amend, by striking out the words 'ninety-nine years,' for the purpose of inserting the words 'fifty years'—the motion prevailed.

Mr. Jones of Lincoln offered an additional section as an amendment to said bill, providing that nothing contained in said bill should be so construed as to authorize either of the corporations to have or exercise the privilege of banking, or of issuing any bill, order, draft or check, or change ticket, intended to be circulated. And the sense of the Senate being thereon had, the said amendment was received.

Mr. Yoakum moved further to amend the said bill by adding thereto the following additional section, to wit:

*Be it enacted*, That nothing in this act contained shall be so construed as to deprive the Legislature of this State from altering, amending or repealing all or any part of the same whenever they shall deem the happiness of the country to require it.

Mr. Gillespy moved to amend the said amendment by striking therefrom the word 'happiness,' and substituting in lieu thereof the words 'interest and welfare.'

And thereupon the question was had and determined in the negative—ayes 10, noes 10. The ayes and noes being demanded, the affirmative voters were

Messrs, Aiken, Balch, Coe, Gillespy, Laughlin, Marshall, Reneau, Smith, Warner and Mr. Speaker Love—10.

The negative voters were

Messrs. Ashe, Brown, Hardwicke, Jones of Hickman, Jones of Lincoln, Sevier, Turney, Walton Wheeler and Yoakum—10.

And so said proposition was rejected.

Mr. Turney thereupon moved to lay the said amendment on the table.

The question being thereon had, it was determined in the negative—ayes 7, noes 14. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Ashe, Brown, Jennings, Marshall, Reneau and Turney—7.

Those who voted in the negative were

Messrs. Balch, Coe, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Sevier, Smith, Walton, Warner, Wheeler, Yoakum and Speaker Love—14.

And so said motion was rejected.

Mr. Coe thereupon offered the following in lieu of the amendment offered by Mr. Yoakum:

*Be it enacted*, That this charter may at any time be repealed by a concurrent vote of two-thirds of the General Assembly.

And the sense of the Senate being thereon had, it was rejected.

The question then recurred upon the adoption of Mr. Yoakum's amendment, and being thereon had, it was determined in the affirmative—ayes 13, noes 8.

The ayes and noes being required, those who voted in the affirmative were

Messrs. Aiken, Ashe, Balch, Gillespie, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Warner, Wheeler, Yoakum and Speaker Love—13.

Those who voted in the negative were,

Messrs. Brown, Coe, Jennings, Marshall, Reneau, Sevier, Turney and Walton—8.

And so said amendment was accepted.

The said bill was thereupon read as amended a third time and passed.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Coe, Gillespy, Hardwicke, Laughlin, Smith, Turney, Warner, Yoakum and Speaker Love—11.

The negative voters were

Messrs. Ashe, Jennings, Jones of Hickman, Jones of Lincoln, Marshall, Reneau, Sevier, Walton and Wheeler—10.

And so said bill passed its third reading, was ordered to be engrossed, and transmitted to the House of Representatives.

A Bill to preserve the purity of elections was taken up and read.

Mr. Wheeler moved to amend the said bill by striking from the 9th section thereof, all that part which provides that no voter shall be permitted to vote out of the district in which he lives.

During the pendency of said motion, Mr. Coe asked and obtained leave to withdraw the said bill for amendment.

The Senate took up and considered the several amendments proposed by the House of Representatives to a bill to authorize Jas. Vaughn and James Ghormly to open and keep up a Turnpike Road—concurred with amendment a, d and e, and non-concurred with amendments b and c.

*Ordered*, That the clerk acquaint the House of Representatives therewith.

A message from the House of Representatives, by Mr. Crockett, their Clerk:

Mr. Speaker: The House of Representatives concur with your resolution appointing J. G. Harris public printer in place of Joel M. Smith, resigned. The Speaker of the House of Representatives did this day sign an enrolled bill, entitled an act for the relief of Thomas Shirley of Hamilton county. The House of Representatives adhere to their amendment to the bill to suspend so much of an act entitled An act to establish a State Bank, to raise a fund for internal improvement, and to aid in the establishment of a system of education, passed 19th January, 1838, as authorizes and requires the Executive of the State to issue the bonds of the State, and propose a committee of conference thereon, to consist of Messrs. Foster, Nelson and Buchanan of Giles on their part.

And then he withdrew. Whereupon the Speaker of the Senate signed the said enrolled act and ordered it to be deposited in the office of the Secretary of State.

The Senate agreed to the proposition to appoint a committee of conference, and appointed Messrs. Coe, Wheeler and Laughlin to be of said committee on their part.

A Bill to incorporate the town of Hampshire, in Maury county, was read a first time and passed.

A Bill to give to Jackson College the Academy fund of Maury county, and for other purposes, was read a second time, passed, and referred to the committee on education and common schools.

A Bill for the relief of the citizens of Carroll county was read a second time and passed.

A Bill to lessen the expenses in settlement with guardians in certain cases, was read a second time and the question "shall the bill pass," being thereon had, it was determined in the affirmative—ayes 17, noes 7.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Ashe, Balch, Brown, Coe, Jennings, Jones of Hickman, Laughlin, Reneau, Sevier, Terry, Turney, Walton, Warner, Wheeler and SpeakerLove—17.

The negative voters were

Messrs. Anderson, Gillespy, Hardwicke, Jones of Lincoln, Smith, and Yoakum—7.

And so said bill passed its second reading.

Then the Senate adjourned.

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Wednesday Morning, Dec. 4, 1839.

Mr. Anderson presented two several petitions from sundry citizens of Wilson county remonstrating against a repeal of the tippling act of 1837, which were ordered to be transmitted to the House of Representatives.

Mr. Warner from the committee on claims, to whom was referred a Bill for the relief of Allen D. Gentry of Monroe county, and a bill for the relief of John H. Johnson, reported that the committee have had the same under consideration, think the provisions of said bills unreasonable, and had instructed him to recommend their rejection.

On motion of Mr. Warner, the said bills and report were ordered to the table.

Mr. Warner from the same, asked that the committee be discharged from the further consideration of a communication from Hugh Montgomery, which request was granted.

Mr. Laughlin moved that 2000 copies of the report of the Secretary of State in relation to the State bonds, be printed in addition to the number already ordered to be printed for the use of the Senate.

And thereupon the question was had and determined in the affirmative—ayes 14, nays 8. The ayes and noes being demanded, the affirmative voters were

Messrs. Anderson, Balch, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Marshall, Sevier, Smith, Walton, Warner, Wheeler, Yoakum and Speaker Love—14.

Those who voted in the negative were

Messrs. Ashe, Brown, Coe, Frey, Jennings, Jones of Hickman, Terry and Turney—8.

And so said motion prevailed.

A Bill to establish the town of Chattanooga in Hamilton county and to incorporate the same, being read a third time, the question, "shall the bill pass" was had and determined in the affirmative—ayes 21.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Brown, Balch, Coe, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Sevier, Smith, Terry, Turney, Warner, Wheeler, Yoakum and Speaker Love—21.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A Bill from the House of Representatives to incorporate the Clarksville Fire Insurance, and Life and Trust Company, was read a first time and passed.

Mr. Frey asked and obtained leave to withdraw the same for amendment.

A Bill from the House of Representatives to amend the several laws in relation to the inspection of tobacco, was read a first time and passed.

A Bill from the House of Representatives for the relief of A. M. Rodgers late of Hamilton county, was read a first time, passed, and referred to the committee on claims.

A Bill from the House of Representatives to incorporate a turnpike road from Perryville to Lexington, was read a first time and passed.

Mr. Jones of Hickman thereupon asked and obtained leave to withdraw the same for amendment.

Mr. Coe introduced a Bill to protect honest debtors from oppression, which was read a first time and passed.

Mr. Wheeler submitted the following:

Whereas it is made the duty of the Grand Juries in the different counties in this State, on their oaths to make presentments against the citizens of the State aforesaid, for any and all infractions of the many and almost innumerable offences created by the legislature from time to time, and known on our statute books as misdemeanors. And

Whereas for the certain and sure punishment of offenders against the statutes created by the legislature as aforesaid in some cases, inquisitorial powers are given to the grand jurors for the purpose of aiding justice in her demands. And whereas in the administration of justice under the many statutes aforesaid, many serious and alarming evils have crept into the courts of justice in many parts of the State, and laws which were passed to protect the morals of the country are used in the hands of a designing few, as a lever to filch from the pockets of the honest and industrious by way of taxation, to pay costs on unimportant and trivial offences, (frequently never committed,) or if committed, by irresponsible persons to enrich themselves. Therefore,

*Be it resolved*, That the committee on the Judiciary, be instructed to enquire into the propriety of grand juries in all cases making presentments, as by law they are bound to do. And also into the propriety of grand juries possessing or exercising inquisitorial power in any call whatever, and that said committee report by bill or otherwise.

And the rule being suspended, said resolution was adopted.

A Bill from the House of Representatives to amend the law in relation to the appointment of deputy surveyors south and west of the congressional reservation line, was read a first time and passed.

Mr. Yoakum submitted the following:

*Resolved*, That the committee on the Judiciary, be instructed to enquire into the expediency of increasing the jurisdiction of Justices of the Peace upon actions of debt, of assumpsit, and upon motions in cases of securities, and that they report by bill or otherwise.

And the rule requiring resolutions to lie one day on the table being suspended, Mr. Coe moved to amend by adding thereto the following, to wit:

And of abolishing the Chancery, Circuit and Supreme Courts.

Mr. Anderson moved to lay the said amendment on the table.

And thereupon the question was had and determined in the affirmative—ayes 16, noes 7. The yeas and nays being required, those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Reneau, Sevier, Smith, Warner, Walton, Wheeler, Yoakum and Speaker Love—16.

Those who voted in the negative were

Messrs. Ashe, Brown, Coe, Jones of Lincoln, Laughlin, Marshall and Turney—7.

And so said amendment was ordered to the table.

Mr. Coe thereupon moved to amend the said resolution by inserting the words "& reducing," after the word "increasing."

And thereupon the question was had, and determined in the affirmative—ayes 12, noes 10. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Ashe, Balch, Coe, Frey, Gillespy, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier and Turney—12.

The negative voters were,

Messrs. Anderson, Brown, Hardwicke, Jennings, Jones of Hickman, Smith, Warner, Wheeler, Yoakum and Speaker Love—10.

And so said amendment was adopted.

The said resolution was thereupon read as amended and adopted.

A Bill from the House of Representatives to amend an act entitled, An act to prescribe certain duties to be performed by the clerks of the several courts and for other purposes passed the 15th of Feb. 1836, was read a first time, passed and referred on motion of Mr. Jones of Lincoln, to the committee on Ways and Means.

A message from the House of Representatives by Mr. Crockett, their Clerk:

Mr. Speaker: The House of Representatives recede from the amendments proposed by them, to the bill to authorize James Vaughn and James Ghormly to open and keep up a turnpike road.

And then he withdrew. Whereupon the said bill was ordered to be enrolled.

A Bill for the relief of James Brown of Monroe county being read, Mr. Gillespy moved to amend by changing the title of said bill, so as to read, a Bill to authorize the issuance of grants in certain cases, which motion prevailed.

The said bill was thereupon put upon its passage and the question,

"shall the bill pass," being thereon had it was determined in the affirmative—ayes 18.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Balch, Brown, Coe, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Reneau, Sevier, Smith, Terry, Turney, Warner, Walton and Speaker Love—18.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A Bill for the relief of the citizens of Carroll county, was read a third time, and the question, shall the bill pass, being had it was determined in the negative—ayes 6, noes 13.

The ayes and noes being demanded the affirmative voters were

Messrs. Aiken, Brown, Gillespy, Reneau, Sevier and Terry—6.

The negative voters were

Messrs. Balch, Coe, Frey, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Walton, Warner and Speaker Love—13.

And so the said bill was rejected.

Mr. Turney introduced

A Bill for the benefit of sheriffs and to pay the guard necessary in conveying prisoners to jail, which was read a first time and passed.

A Bill to alter a part of the dividing line between the counties of Blount and Sevier, was read a second time and passed.

A Bill to prevent fraud and imposition in the sale of salt and sugar being read, Mr. Coe moved to amend by striking out the words "ten cents," for the purpose of inserting the words "fifty cents," which motion prevailed.

The bill was thereupon read a second time and passed.

A Bill to encourage the growth and culture of silk in the State of Tennessee, was taken up and read, and sundry propositions to amend, being made by Messrs. Balch, Coe and Reneau.

Mr. Turney moved to lay the said bill and proposed amendments on the table until the first day of March next.

And thereupon the question was had and determined in the affirmative—ayes 11, noes 8. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Brown, Gillespy, Hardwicke, Jones of Hickman, Smith, Turney, Walton, Warner and Speaker Love—11.

The negative voters were

Messrs. Ashe, Coe, Frey, Jennings, Jones of Lincoln, Laughlin, Reneau, Sevier and Terry—8.

And so said motion prevailed.

Mr. Gillespy thereupon moved a reconsideration of the said vote, which prevailing, the said bill was ordered to the table.

A Bill to incorporate the Trustees of the Ashland Academy in Wayne county and for other purposes, was read a second time and passed.

And then the Senate adjourned.

THURSDAY MORNING, Dec. 5, 1839.

Mr. Laughlin presented a communication from the President and Directors of the Penitentiary turnpike company, which being read, Mr. Jennings submitted the following, to wit:

Whereas, the charter granted by the last General Assembly, incorporating what is styled the Penitentiary turnpike company, is unjust and oppressive, because of the enaction which is without any commensurate advantage to the public, is therein granted to a few individuals; and whereas, the very terms of said charter justify the belief that the course of Legislation pursued at the time of its enactment was unfair and deceptive in effect, if not in intent and design—therefore

*Be it resolved* as the sense of the General Assembly of the State of Tennessee in relation to said charter, That a regard to the requisitions of public justice demands at the hands of said company a prompt surrender of their privileges.

*Resolved*, That the Clerk of the Senate be, and is hereby required, to transmit a copy of these proceedings to the President and Directors of said company.

*Resolved*, That nothing herein contained shall be construed on the part of this General Assembly as expressive of any sentiment of disrespect and disapprobation so far as the President and Directors or any other member of said compony is concerned.

Mr. Gillespy submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That a joint select committee, to consist of three on the part of the Senate, and such number as may be appointed by the House of Representatives to whom shall be referred a memorial from the Penitentiary turnpike road company, and all bills and resolutions and other papers relating to that subject; that said committee have power to send for persons and papers, to qualify and examine witnesses to bear testimony, and that said committee report to this General Assembly.

And the rule being suspended, said resolution was adopted. The Speaker appointed Messrs. Jennings, Coe and Ashe to be of said committee on the part of the Senate.

On motion of Mr. Gillespy,

*Ordered*, That the memorial of the President and Directors of the Penitentiary turnpike company, together with all other documents relating thereto, be transmitted to the House of Representatives.

Mr. Yoakum, from the joint select committee on Common School Funds, made the following

REPORT:

The joint select committee who were appointed by a resolution of the General Assembly of the 16th November, to enquire into the situation of the Common School monies of this State; whether the Superintendent of Public Instruction had used due diligence in collecting the common school monies; whether he has properly invested said monies as by law he is required; whether he has distributed the sums by him required to be distributed for the benefit of Common Schools; and whether there has been any waste or loss of said monies or any part there-

of, since the appointment of said Superintendent; beg leave respectfully to report,

That immediately after their appointment they entered upon the discharge of their duties. They found the matters submitted to their investigation much more difficult and complicated than they at first imagined. They also found that it was most convenient for them to examine the receipts and disbursements of the Superintendent in connection, that they might the better compare them.

With regard to the diligence used by the Superintendent in the collection of the school monies: The fourth section of the act creating the office requires "the monies, notes, bonds, stocks, securities and other property belonging to the State or Common School Fund, in the possession or under the control of the agents appointed to close the concerns of the Bank of the State, the county common school commissioners and county bank agents," to be delivered on demand to the Superintendent, or the authorized agent of the board of common school commissioners. He is also authorized in the fifth section of the act, to take possession of the monies and securities in the hands of the late Treasurer of East Tennessee, which belonged or were appropriated to the use of colleges, academies or common schools. For the purpose of collecting these monies and effects, the act authorizes the appointment of an agent in each county. These agents were to be furnished with a schedule of all accounts against the debtors to the School Fund in their respective counties; and they were to be required to call in the ten per centum on the amount of each debt at the first renewal, and twenty-five per centum at the end of each succeeding six months; so that the whole would be paid at the end of two years. The Superintendent went into office about the first of March, 1836. How this duty of collecting these monies has been performed will be better seen by a table hereto annexed, marked A, which the committee have prepared with much care from the books and papers in the Superintendent's office. The first column shows the amount of monies due from each county at the time the Superintendent went into office. It agrees with a report made to the Legislature of the State on the 17th October, 1836, except, that in that report Knox county is charged with 14,152 71 dollars, being $4,967 28 more than is now charged. This discrepancy was occasioned by the bank agent at Knoxville, who, in making out the account against that county, charged interest upon the fund, which he ought not to have done; for the commissioners had a right to consume the interest for purposes of education. From this statement there seemed then to be due from the county common school commissioners and county agents, the sum of four hundred and twenty-one thousand six hundred and fifty-two dollars and eighty cents.

The second column exhibits the monies collected by the county agents appointed under the act of 1836, and includes not only the monies drawn from the hands of county school commissioners, but also the taxes collected from school funds and tippling houses, up to the passage of the act of 1838, requiring the same to be paid into the treasury of the State: also in some instances, monies due the old bank. The

amount collected from Shelby county, includes the bonus up to January, 1838, and part of the dividends derived from the Farmers and Merchants Bank at Memphis. That of Knox county includes a portion of the old Bank monies. The third column exhibits an estimated balance due from the several counties, exclusive of old bank judgments and claims. The fourth column is an estimate of the amount of these debts that are considered doubtful. By an addition of the sum yet due and owing, with the amount collected, the whole amounts to three hundred and eighty-nine thousand three hundred and ninety-six dollars and thirty-nine cents; which (supposing the whole amount collected to have belonged properly to the county school fund) leaves a balance of thirty-two thousand two hundred and fifty-six dollars and forty-one cents of the amount originally charged against the counties. This balance is accounted for by the investment of the school fund of Davidson, Rutherford, Bedford and Sevier counties, in works of internal improvement. Your committee have no positive testimony that any of the agents have collected monies which they have not accounted for; yet from some circumstances they are induced to believe that a few of them have not acted properly on this point. The Superintendent has not obtained, from time to time, such lists of claims, paid and unpaid from the different agents, as would be entirely satisfactory to the committee.

The last column in this page shows a very great inequality in the amount of monies paid for tippling license in the different counties.—Your committee are satisfied that monies have been collected for these license, which have never been paid over to the Superintendent. The amount collected on tippling license is included in the $299,154 94 collected by the agents.

The committee, after obtaining this result, proceeded to ascertain the sums collected by the Superintendent from all other sources, and after examining his books and other documents, found that the same amounted to the sum of five hundred and seventy-seven thousand two hundred and eighty-eight dollars and thirty-nine cents; making in all of total receipts from the first day of March, 1836, to the 18th day of November, 1839, the sum of eight hundred and seventy-six thousand four hundred and forty-three dollars and thirty-three cents. The am't received since the first day of October last is $8,492 28, which taken from the amount reported on the 18th November last, leaves a balance which he had received up to the first day of October, of $867,951 05; that is, one thousand one hundred and sixty-one dollars and eighty-six cents more than was stated in his last report to have been received up to the 8th of October, the date of his report. Of this difference, one thousand dollars is accounted for, by a mistake of the Superintendent in adding up the items in the account of Shelby county.

Your committee proceeded to ascertain and make out a table of the monthly receipts and expenditures of the Superintendent from the first day of March, 1836, to the 18th November, 1839. This table, the first four columns of which were carefully condensed from the books of the office, and under the eye of the Superintendent, is hereto

annexed, marked B. The fourth column will show the monies paid out by the Superintendent during each month of his official action.—By comparing these monthly disbursements with the monthly receipts in the third column, it will be seen that the amounts which remained in his hands, after making the investments and paying the expenses incident to his office, was constantly increasing from the first month of his service up to the 18th of November, 1839. This increase was so constant and rapid as to induce the committee to make out the balances in the hands of the Superintendent at the end of each month. This result will be found in the seventh column of the table. It will be seen that on the last day of March, 1837, only thirteen months after he went into office, he was indebted to the fund in the sum of $72,414 35; at the end of the next twelve months the balance against him amounted to $141,218 83; and in four months more it had swelled up against him to the amount of $178,448 85; at the end of March, 1839, it was $112,715 45. On the 18th day of November, the day your Committee commenced their investigations, the balance against the Superintendent, as shown by his own books, was one hundred and fifteen thousand four hundred and twenty-five dollars and eighty-three cents. The average amount in his hands during his term of service has been upwards of eighty-seven thousand dollars. It will be seen from an interest account which the Committee have added to this table, that the amount which the Superintendent retained in his hands, would, if the same had been deposited at an interest of six per centum, which could have been done, have added to the grand total the sum of nineteen thousand four hundred and twenty-eight dollars and ninety-eight cents. They have calculated this interest for the whole time upon the principal only. The question here arises whether the superintendent has pursued the law in the course he has taken upon this subject.

The 11th section of the 23d chapter of the act of 1836 directs that as fast as the school monies shall be collected by the county agents, or other persons, they shall be paid over to the Superintendent of Public Instruction, "who *shall invest* the same by subscribing for stock of the Planters Bank of Tennessee, in the name of the Board of Common School Commissioners; and who *shall* in like manner *re-invest the profits as they arise* on the capital stock, or *deposit* the same on the best terms and for the highest rate of interest he may be able to obtain, or he may deem most advisable." The course here laid down was obvious. The monies collected he "*shall invest*" by subscribing for stock of the Planters Bank. There is no discretion or alternative left. So far as the *profits* of the investments are concerned, "he *shall*, in like manner," either *re-invest* or *deposit* them for the highest rate of interest he may be able to obtain. There is no authority here to *lend* the money collected, or to *use* it in shaving notes or buying bills. When the law is plain, the rule is equally plain that there is no discretion but to pursue the law.

But, in the account of receipts exhibited to us by the superintendent, he has charged himself with interest received to the amount of seven thousand three hundred and fifty-six dollars and twenty-nine cents.—

If we compare the interest account which he has made out, with an account of the interest upon the monies he collected and failed to invest, as is shown in the last column of table B, it will stand thus:

| | Int. Acc't. of Sup. | Int. really due at 6 per cent. |
|---|---|---|
| July 5, 1337, | $2,025 00 | $3,773 00 |
| Oct. 4, " | 1,012 50 | 1,187 13 |
| Nov 4, " | 500 00 | 448 49 |
| Jan, 23, 1839 | 3,075 10 | 8,546 43 |
| Oct. 8, " | 743 69 | 5,129 85 |
| | $7,356 29 | $19,084 90—difference $11,728 61 |

It is obvious, that if the superintendent could, by any effort of fancy so construe the law as to justify the use to which we will hereafter show that he made of the money, he should at least pay legal interest for the same. But from the foregoing statement, it appears that up to the 8th of October last there was a deficiency of eleven thousand seven hundred and twenty-eight dollars and sixty-one cents in this item, to which, if we add the interest up to the 18th November, that is, $334 28, we find a total balance of interest against the superintendent not accounted for of twelve thousand and sixty-two dollars and sixty-nine cents.

It is true that stock of the Planters Bank, for some time in 1837, was selling very low in the eastern markets. Yet no one doubted but the stock required to be taken would be safe. The superintendent was himself a director of the Bank. During the most critical period of the Bank's existence, the superintendent had confidence in it. Between the last day of May and first day of November, 1837, he paid into that Bank, $61,700 for stock. Why then did he not invest the whole of the large balance which the account shows to have been in his hands during these months? If a part was safe, the whole would have been safe. But, if the general want of confidence, inspired by the suspension of the Banks in May, 1837, had been sufficient excuse for not investing the monies in the hands of the superintendent during its existence, the case was different during the first three months of 1837; for then the Banks had not suspended—they were in the full tide of prosperity. If during this period we examine the balance in his hands, we find that they range from forty-four thousand to seventy-two thousand dollars. The Banks resumed specie payments in January, 1838. And again we find that he has failed to invest the monies in his hands. The balance in his hands, had, by the end of January 1838, increased to $124,910—an amount below which it seldom fell from that time to the present.

Your committee addressed a note to the President of the Planters Bank, inquiring "what were the best terms on which the common school monies could have been deposited in that Bank from the first of March 1836, to first July 1838." In answer, he says, "I beg to state that in my opinion the Bank would have allowed interest at the rate of 6 *per cent. per annum*, for any period not less than six months." So that, if the monies collected had ever been *deposited* in the Bank at 6

*per cent.* it would have been far better than to have formed a loan bank under the sole control of the superintendent, who after using it, as we will hereafter show, now offers to the State for the use thereof, the poor compensation of two and a fourth *per centum per annum.*

Your committee have examined the items of expenditure as exhibited in the fourth column. They have obtained information from the Banks of the monies paid therein for stock under the Acts of 1836 and 1838. They have also seen the certificates of stock taken by the superintendent in the Planters Bank; also certificates of stock taken by the County Common School Commissioners in the Union and Planters Bank, under the Acts of 1832 and 1833, and transferred to the superintendent; and also certificates of deposit in the Bank of Tennessee.—This information, obtained from the Banks, is set forth in a table hereto annexed, marked C. It sets forth the investment in the Banks, and the month and year of each investment. It also exhibits the monies received by the Superintendent from the Banks, as dividends, and also the bonus from the Planters Bank.

From this table it appears that the Superintendent has paid into the Banks the sum of seven hundred and forty-four thousand two hundred and eighty-six dollars and twenty-seven cents. Of this sum, however, there are five hundred and forty-four dollars said by the Superintendent to have been paid by him into the Union Bank as in part payment of stock before that time taken by the County Common School Commissioners of Henderson county. But of this he has no voucher, nor has he charged himself with having received it. The committee cannot therefore allow it as having been paid by him. Perhaps the truth of the matter is, that this amount, said to have been paid in, was only retained from the dividends that had before then arisen on the amount paid in by the Commissioners from Henderson county.

Of the above amount paid in, $363,189 51 were of the proceeds of the sales of the Ocoee lands.

The certificates of stock shown your committee by the Superintendent, are set forth in table G; which shows the shares taken by the County Commissioners in the Union and Planters Banks, under the Acts above referred to, also those taken by the Superintendent in the Planters Bank; also the monies paid the Bank of Tennessee as capital stock, and as a sinking fund. From which, by comparison with table C, it will appear that he has paid into the Bank of Tennessee, $4,067 46, for which he had not on the 18th November a certificate.

It will be further seen that the whole amount of the Common School Fund of Tennessee invested in stocks, up to the 18th ult. is eight hundred and thirty-five thousand thirty-four dollars and fifty-nine cents.

| | |
|---|---|
| It will appear from what has been said, that the Superintendent has certificates of stock purchased by himself, to the amount of | 740,218 81 |
| That his disbursements, as shown by his own books, are | 761,017 50 |
| Which will leave a balance said to have been by him expended, of | 20,798 69 |

The Superintendent has exhibited to us his expense account as follows:

| | | | | |
|---|---|---|---|---|
| 1. Paid on account of the old bank, on settlement with agents, balances due, Attorney's fees, &c. | | | 2,871 | 97 |
| 2. Post Office account, | | | 1,148 | 17 |
| 3. Redemption of old State Bank notes, (which we have counted and burnt,) | | | 1,141 | 13 |
| 4. Counterfeit Change Tickets taken by agents, burnt, | | | 18 | 50 |
| 5. Uncurrent Bank paper, burnt. | | | 65 | 00 |
| 6. Printer's account, viz: Banner Office, publishing sale of real estate, | 63 | 00 | | |
| Do. Extra newspapers, with School Act, | 3 | 50 | | |
| Athens Journal, publishing sale of real estate, | 72 | 00 | | |
| American Presbyterian, for printing blanks, | 96 | 00 | | |
| Nashville Whig, for publishing school Act, | 193 | 82 | | |
| Do. printing forms, | 380 | 63 | | |
| Union Office, printing blanks, | 11 | 00 | | |
| David A. Street, pub'ng sale of real estate, | 8 | 75 | | |
| | | | 829 | 45 |
| 7. Books, Stationery, on account of collection of School Fund, and putting the School System in operation, &c. | | | 210 | 81 |
| 8. Agent's salary, *Clerk's hire*, lawyer's fees, *office rent*, fees paid at Clerk's offices for searches, &c. | | | 14,430 | 16 |
| | | | | 20,715 19 |
| Leaving a balance of expense account of | | | | 83 50 |
| Which being unexplained, should not be allowed. | | | | |
| To this amount add balance, as per table B, | | | | 115,425 83 |
| Also, amount by which Superintendent is credited for payment on stock of Henderson county school fund, | | | | 544 00 |
| | | | | 116,053 33 |
| To which must also be added the difference between the interest as per table B, and the amount of interest with which the Superintendent has charged himself for use of public money, | | | | 11,728 61 |
| Showing a balance of | | | | 127,781 94 |

The Superintendent is entitled to some credits, viz:

By amount paid into the Bank of Tennessee, as per Bank

| | | |
|---|---|---|
| Statement, up to 18th Nov. and for which Superintendent has not received any certificate, | | 4,067 46 |
| | | 123,714 48 |

From which it will be seen, that if the account is correctly stated, the Superintendent appears to be a defaulter to the amount of one hundred and twenty-three thousand seven hundred and thirty four dollars and forty-eight cents. The Committee have examined the Superintendent, as to this balance.

From the answers and statements made by him, the following account will exhibit the claims he offers as a set off—viz:

| | | |
|---|---|---|
| Balance, | | 123,714 48 |
| 1. Uncurrent money, balance on hand not taken into the previous account, | 20 00 | |
| 2. Redeemed Bank Notes, | 35 43 | |
| 3. Reserved for Carter county, accumulated interest, | 400 00 | |
| 4. Do. Dixon County do do | 1,285 00 | |
| 5. Alabama and Georgia money, | 1,560 00 | |
| 6. Deposited in Bank of Tennessee over and above the sum of $4,067 46 above credited, | 950 00 | |
| 7. Cash in hand, | 6 86 | |
| 8. Interest—(viz; difference between the interest really due for use of public monies (as per table B,) and interest charged by Superintendent,) which he does not admit, | 11,728 61 | |
| 9. Amount of balance said by Superintendent to have been paid by him on Henderson county stock in Union Bank, | 544 00 | |
| 10. Balance of expense account which Superintendent says should be allowed him, | 83 50 | |
| 11. Notes under discount, | 107,101 08 | |
| | | 123,714 48 |

We will examine these items in the order in which they stand:

1. On the 21st November the Committee were shown all the uncurrent money the Superintendent, as he stated, then had on hand: The amount was $65. For this amount they gave him credit—though they did not think at the time it was right for either the Superintendent or his agents to make any such charge. Having admitted this, and with a full understanding that it was all he had received up to 18th November, they could not afterwards admit a new supply.

2. Redeemed Bank Notes. This item should be admitted.

3 and 4. The Superintendent has no right to reserve from the general fund any sums to meet demands for accumulated interest. If the above counties should at any time hereafter have a right to the monies mentioned, the fund is able to pay it.

5. Alabama and Georgia money. As this is all the *unbankable* money the Superintendent has on hand the committee are willing to admit it. Though, as a general rule it should not be done. For, the very

moment we authorise either the Superintendent or his agents to receive depreciated notes, they will, after that time, receive no other kind, and the school fund, instead of increasing and fulfilling the great ends for which it was set apart, would become wholly worthless—the mere scape-goat to bear the losses of projectors and swindlers.

6. The balance of monies deposited in bank and not before credited are, of course, admitted.

8. The difference of interest has been already explained.

9. And also the amount of $544 of Henderson county school fund.

10. The balance of $83 50 of expense account has been already explained; and if, from the Superintendent's own showing, it has not been expended, of course he should not be credited by it.

11. "Notes under discount." This item requires explanation. The Superintendent says he had a right to lend out the school monies; that this right was given him by that part of the act of 1836, already quoted. He also justifies the lending of this money to individuals, upon the grounds that a large amount was received in uncurrent paper upon different banks. But does not show, when asked, what amount, from whom, or when he received said uncurrent money, not having kept any record thereof.

He does not admit the correctness of the interest charge made by the committee over and above what he reports he has received as he states; he had to make frequent and repeated loans on time without interest, of this uncurrent money, mixed frequently with par funds, so as to prevent a sacrifice of the school fund, and that he was advised, and did keep some surplus fund constantly on hand to redeem the old notes and liabilities of the State Bank. On being questioned as to the general instructions he had given the county agents, touching the kind of money they should receive, he stated that his instructions were to receive no other than bankable or current money. The committee cannot conceive how the Superintendent could have derived from the section quoted (Act 1836, ch. 23, sec. 11) the *powers* he has exercised. It gives him no power to lend money, to discount notes, or buy and sell bills of exchange. But, if we could for a moment suppose this power were given by the act of 1836, the act passed January 19, 1838, makes a new disposition of the school monies. It provides (chap. 107, sec. 3.) "That the money belonging to the Common School Fund, which may now be in possession of the Superintendent of Public Instruction, or which may hereafter come into his possession, *shall* be handed over to the President and Directors of the Bank of Tennessee, as capital in said Bank," for which the said President and Directors were to issue to the Superintendent "certificates of debt." Yet it will be seen from the table E, hereto annexed, that after the passage of this act, the Superintendent according to his own showing lent out, or "discounted on," between eighty and ninety thousand dollars of what he calls the School Fund.

Your committee required the Superintendent to make them an exhibit of the "notes under discount." Although they consider that the State has no more claim to the notes referred to, than to the carriage

or servants of the Superintendent, yet they believed it their duty to enquire, and know what use had been made of the large balance heretofore and at this time in his hands. It will appear from table E, that he has lent this money to, or with it purchdsed notes and bills on various persons and corporations in and out of Tennessee, confined principally however to Nashville, Holly Springs, and Lincoln county; that of the nominal amount of one hundred and thirteen thousand two hundred and ten dollars and three cents, said to be on the 8th of October, due and to become due—$42,194 80, were to come from Lincoln county, Tennessee; the sum of $28,746 33, from about Holly Springs, Mississippi; and a large amount from the firm of M'Ewen, Whiteman & Co. who are carrying on a paper mill in the town of Nashville; the balance from various places. The Holly Springs debts are in some way connected with a bank, formerly in existence in that town and are at best a doubtful investment. This investment at Holly Springs is represented by the Superintendent to have been made as a means to convert monies under *par* to par funds.

There is one debt charged to William B. Robinson & Co.. with S. E. Gilliland and Samuel Rosebro as guarantors. The history of this debt is this; William B. Robinson and Robert H. M'Ewen were in partnership in a mercantile establishment in Lincoln county. They took the money out of the School Fund to enable them to carry on business, and gave their firm note to R. H. M'Ewen as Superintendent.—The latter afterwards sold out his interest to Gilliland and Rosebro, and they became bound for the payment of the note.

The partners in the firm of M'Ewen, Whiteman & Co. are Robert H. M'Ewen, Oliver B. Hayes, John M. Hill and William S. Whiteman. They are bound as principals and endorsers to a large amount, as may be seen by reference to the table.

It will also be seen that one debt of $6,827 76, has been due from Lincoln county for nearly three years. Also due from A. C. M'Ewen and others, relations of the superintendent, for the same length of time.

The rate of interest or "discount rates" of the Superintendent will also appear by reference to the table. On seeing this, the question arises, if the Superintendent has been able to realize eight or nine per centum on the monies he has been using for now nearly four years, ought he not to allow the State more than 2¼ per cent? Yet he has not charged himself with more.

The conduct of the individual placed by the Legislature at the head of a system of education, just put into operation, needs no rebuke at our hands—the facts will speak.

The committee could not, therefore, allow this item of "notes under discount" to form any part of the school fund. Deducting, then, the items believed to be allowable, viz:

| | | |
|---|---|---|
| Balance, | | 123,714 18 |
| Redeemed Bank notes, | 31 43 | |
| Alabama and Georgia money, | 1,560 00 | |
| Deposited in State Bank, | 950 00 | 2,545 43 |
| | | $121,169 05 |

And we find that, after making all fair and legal allowances, there is a total balance against the Superintendent of Public Instruction of one hundred and twenty-one thousand, one hundred and sixty-nine dollars and five cents; of which the sum of eleven thousand seven hundred and twenty-eight dollars and sixty-one cents is for interest not accounted for.

The Committee after ascertaining this extraordinary deficit, were anxious to see whether the provisions of the second section of the act of 1836, chapter 23, requiring the Superintendent to give "bond with good and sufficient security," to be approved of by the Governor, had been properly complied with. They have examined the bonds on file in the office of the Secretary of State, and find the first bond, dated 24th February, 1836, to be signed by O. B. Hays, Wm. Edmiston, John Scott, R. C. K. Martin, John Trimble and S. E. Gilliland. The second bond, dated 19th February, 1838, has the same individuals as securities, with the addition of John Lanier, Samuel Rosebro and E. M'Ewen. The first bond has on it this endorsement: "I approve of this bond and the securities herein given. N. Cannon." The second bond seems not to have been approved of by the Governor; or, if it was, there is no recorded evidence of such approval. There is an endorsement on it, however, purporting to have been made by Charles Boyles, clerk of the county court of Lincoln county, in which he informs us that "Samuel E. Gilliland, Samuel Rosebro, John Lanier and Ebenezer M'Ewen, securities to the foregoing bond, are jointly worth the penalty thereof and more." By reference to table E, it will be seen to what extent these securities are liable for accommodations given out of the public monies. Your Committee, however, would not wish to be understood as intimating that there was, on the part of these gentlemen, any thing of unfairness. So far as borrowers and endorsers are concerned, the committee have no proof that they were not ordinary business transactions. They submit the facts.

The Committee have also had under consideration the "distribution of the school monies that were to be distributed;" and they are of opinion that, so far as the Superintendent is concerned, the same has been properly done. Any difficulty that may have been occasioned in the distribution, has happened through the neglect or indifference of subordinate agents.

Since the commencement of this investigation, the entry taker of Ocoee district has paid into the Bank of Tennessee the sum of $141,869 21, which swells the amount already received from that source to the sum of five thousand five hundred and fifty-eight dollars and seventy five cents.

The Committee have also had before them a correspondence between the entry taker of Ocoee district, the Superintendent, and the President of the Bank of Tennessee. As it refers to some matters not within the range of their inquiries, they will only lay it before the legislature as they receive it.

It has been a desirable object with the committee to ascertain as nearly as practicable the amount and character of the Common School

Fund of Tennessee. Including stocks, monies, debts, (good and doubtful,) and real estate, it is estimated at one million three hundred and ninety-nine thousand eight hundred dollars and ninety-eight cents, viz:

| | Good. | Doubtful. |
|---|---|---|
| Bank Stock. | 930,755 02 | |
| internal Improvement Stock, | 46,139 78 | |
| Due from County agencies, | 73,275 05 | 6,966 40 |
| Notes due from debtors to old Bank | 4,692 23 | 4,404 71 |
| *Securities of Joel Parrish, | 5,902 66 | |
| Judgments, accounts, &c. due to old Banks, | 22,257 51 | 45,473 57 |
| Due from Superintendent of Public Instruction, | 121,169 05 | |
| Real Estate, | 3,765 00 | |
| Supposed sum yet to be derived from Ocoee, | 125,000 00 | |
| | 1,332,956, 30 | 66,844 68 |
| Total good and doubtful, | | 1,399,800 98 |

*See Table F.

From the above, it will be seen that the School Fund of Tennessee is large, and, if properly managed, will do more good, and confer more lasting benefits upon our country than the same amount of money used in any other way. The legislatures of our State have been long and perseveringly engaged in the difficult business of accumulating a valuable fund for purposes of education, But, in spite of all their efforts, it has been time after time plundered by a thousand hands. If we desire to preserve and cultivate the ample fund we now have, we should place such restrictions upon those through whose hands it must pass, that they will not waste it with impunity. It is a duty we owe ourselves, our children, and the Constitution, to preserve it unimpaired.

All which is respectfully submitted.

H. YOAKUM, *Chairman*,
P. ANDERSON,
JOHN E. WHEELER,
*Committee on part of the Senate.*

A. JOHNSON, *Chairman*,
F. BUCHANAN,
N. FAIN,
BARKLEY MARTIN,
*Committee on part of the House.*

(A)

| Counties. | Amt due fr'm each co'ty agency, 1st March, 1836. | Amt collec'd frm each con'ty agent to 18th Nov. '39. | Balance due on the 18th November, 1839. | Doubtful debts due from each Co 18th Nov. 1839. | Tax on Tippling Houses, collected by agents. | Agents Names. |
|---|---|---|---|---|---|---|
| Anderson, | 4,084 41 | 4,989 78 | 65 84 | 65 84 | 87 75 | John Jarnagin. |
| Blount, | 6,961 21 | 6,460 | 3,801 92 | 50 | | James H. Gillespie. |
| Bledsoe, | 6,221 25 | 3,870 51 | 3,595 | 241 | 220 00 | James L. Schoolfield. |
| Bradley, | | | | | 97 50 | |
| Campbell, | 3,563 85 | 3,891 80 | 911 | | 53 67 | John E. Wheeler. |
| Carter, | 4,476 51 | 5,924 96 | 164 35 | | 85 | Thomas A. R. Nelson. |
| Claiborne, | 5,771 | 6,654 17 | 40 | 40 | 73 12 | William Graham. |
| Cocke, | 4,292 86 | 4,245 17 | 989 96 | 989 96 | 24 37 | William D. Rankin. |
| Grainger, | 6,611 78 | 6,636 84 | 788 33 | | 48 74 | John T. Curl. |
| Greene, | 9,844 82 | 9,499 84 | 1,096 94 | | 136 50 | Merryman Payne. |
| Hamilton, | 1,586 42 | 1,354 69 | 864 22 | 265 43 | 283 | Asahel Rawlings. |
| Hawkins, | 9,022 | 8,911 63 | 336 12 | | | George Hall. |
| Jefferson, | 9,123 16 | 9,143 80 | 721 94 | | 100 | R. H. Hynds. |
| Johnson, | | | | | | |
| Knox, | 9,185 43 | 19,961 54 | 407 04 | | 350 | David Campbell. |
| M'Minn, | 1,028 05 | 1,012 36 | 95 20 | 61 | 174 25 | S. Bogart. |
| Marion, | 3,887 26 | 3,645 15 | 629 94 | 50 | 24 37 | David Rankin. |
| Meigs, | | | | | 121 12 | |
| Monroe, | 791 | 671 40 | 200 | 20 | 463 76 | James A. Coffin. |
| Morgan, | 2,674 27 | 2,322 84 | 941 56 | 134 80 | 100 | Thomas S. Sea. |
| Rhea, | 680 | 968 12 | 122 | | 73 12 | John A. Hooke. |
| Roane, | 7,529 87 | 9,160 47 ‡ | | | 25 | Henry Liggett |
| Sevier, | 4,410 11 | 617 35 | | | 87 76 | George M'Cown. |
| Sullivan, | 6,565 28 | 5,217 | 1,619 | 312 | 48 75 | William Anderson. |

A.—Continued.

| Counties. | Amt due from each co'ty agency, 1st March, 1836. | Amt collected from each county agent to 18th Nov. '39. | Balance due on the 18th November, 1839. | Doubtful debts due from each Co 18th Nov. 1839 | Tax on Tippling Houses, collected by Agents. | Agents Names. |
|---|---|---|---|---|---|---|
| Washington, | 7,235 30 | 6,137 65 | 2,225 48 | 52 | 65 | Isaac M'Pherson. |
| Bedford, | 15,716 70 * | | | | 1,005 00 | E. J. Frierson. |
| Cannon, | | | | | 536 25 | |
| Coffee, | | | | | 322 88 | |
| Davidson, | 13,523 61 † | | | | 4,412 87 | |
| De Kalb, | | | | | | |
| Dickson, | 5,660 95 | 7,773 40 | 1,942 61 | 100 | 243 74 | John C. Collier. |
| Fentress, | 2,233 09 | 1,829 88 | 552 13 | 180 | | A. C. Rodgers. |
| Franklin, | 7,435 49 | 2,501 92 | 6,317 60 | 1,223 25 | 536 24 | Jas. Sharp & H. Francis. |
| Giles, | 13,543 19 | 7,825 07 | | | 117 | D. L. Morrison & A Black. |
| Hickman, | 5,811 13 | 6,236 78 | 62 50 | 40 | 268 75 | Eli B. & P. M. Hornbeck. |
| Humphreys, | 4,595 68 | 4,391 22 | 1,999 17 | 303 | 146 25 | D. P. Hudson. |
| Jackson, | 7,298 98 | 9,069 69 | | | 204 75 | J. Young & T. L. Bransford. |
| Lawrence, | 4,241 12 | 2,252 36 | 420 | 221 86 | 229 12 | Joshua Bowdry. |
| Lincoln, | 6,384 78 | 4,342 75 | 3,156 05 | 227 57 | 131 62 | Samuel Todd. |
| Marshall, | | | | | 487 50 | |
| Maury, | 19,167 52 | 9,615 83 | 7,934 83 | 2,411 56 | 1,194 37 | George M. Martin. |
| Montgomery, | 9,279 46 | 5,620 53 | 1,324 57 | 438 11 | 270 | J. P. Bellamy. |
| Overton, | 7,096 28 | 5,728 41 | 2,312 02 | | 136 50 | John Mongold. |
| Robertson, | 8,106 79 | 9,067 08 | | | 268 12 | Henry Frey. |
| Rutherford, | 15,495 97 | 980 50 § | | | 877 50 | Charles Ready. |
| Smith, | 14,476 08 | 11,952 52 | 5,359 38 | 435 | 438 75 | Hervey Hogg. |
| Stewart, | 1,862 38 | 1,363 | | 91 50 | 117 | C. C. Clements. |
| Sumner, | 12,498 45 | 2,968 57 | 413 84 | 363 42 | 541 12 | James Stratton. |

A—Concluded.

| Counties. | Amt due fr'm ech co'ty agency, 1st March 1836. | Amt collec'd frm each co'nty agent to 18th Nov. '39. | Balance due on the 18th November, 1839. | Doubtful debts due from each Co 18th Nov. 1839. | Tax on Tippling Houses, collected by agents. | Agents Names. |
|---|---|---|---|---|---|---|
| Warren, | 10,168 52 | 8,474 33 | 2,500 | 307 10 | 394 87 | A. Black. |
| Wayne, | 4,837 32 | 1,739 | 3,005 84 | 248 04 | 250 | Thomas M. East. |
| White, | 8,448 20 | 8,148 35 | 2,630 50 | 243 48 | 288 24 | John W. Simpson. |
| Williamson, | 17,246 53 | 3,674 18 | | | 1,281 77 | C. E. M'Ewen. |
| Wilson, | 16,284 55 | 7,616 51 | 7,000 | 800 | 906 74 | George D. Cummings. |
| Hardin, | 3,712 52 | 4,542 | | | 219 37 | James Scott. |
| Benton, | | | | | | |
| Carroll, | 6,500 45 | 1,432 57 | 5,089 | 632 00 | 391 81 | Thomas A. Hawkins. |
| Dyer, | 2,054 81 | 1,826 31 | 281 01 | 10 75 | 155 | A Alexander. |
| Fayette, | 4,745 45 | 4,158 10 | 2,045 45 | 612 81 | 1,393 | William Houston. |
| Gibson, | 3,803 82 | 2,334 | 1,903 00 | 634 | | N. I. Hess. |
| Hardeman, | 6,731 37 | 8,743 62 | 80 | | 586 75 | John H. Bills. |
| Haywood, | 2,970 84 | 3,740 56 | 167 89 | 167 89 | 517 50 | William E. Owen. |
| Henderson, | 6,169 86 | 648 37 | 3,121 49 | 2,000 | 648 37 | Jesse Taylor. |
| Henry, | 7,801 84 | 5,009 53 | 1,452 06 | 991 32 | 245 | Thomas R. Porter. |
| Lauderdale, | | | | | 97 50 | |
| M'Nairy, | 4,496 62 | 5,085 90 | 137 20 | 97 90 | | S. Saunders. |
| Madison, | 6,347 13 | 2,225 16 | 2,125 14 | 11 | 511 88 | S. Lancaster. |
| Obion, | 1,730 32 | 819 29 | 1,086 55 | 601 25 | 175 52 | Daniel St.John. |
| Perry, | 5,629 83 | 3,470 94 | 2,612 60 | Unknown. | 141 37 | Jesse Grey. |
| Shelby, | 2,991 77 | 5,466 37 | 41 46 | 41 46 | 565 50 | L. Henderson. |
| Tipton, | 3,432 72 | 2,178 95 | 2,584 95 | 1,200 10 | 439 38 | James N. Smith. |
| Weakly, | 3,574 80 | 2,919 32 | 1,277 77 | Unknown. | 146 25 | B. Bondurant. |
| Total, | $421,652 80 | $299,154 94 | $90,241 45 | $16,966 40 | $24,584 00 | |

Notes.—(See exhibit A.)—*Invested in Nashville, Murfreesborough and Shelbyville Turnpike Company. †Invested in the N. M. and S. Turnpike Co. ‡In Smoky Mountain Turnpike. §Invested in N. M and S. Turnpike Co.

(B.)

| DATES. | Monthly Collections fm the County Agencies. | Monthly collections frm other sources. | Total monthly Collections. | Monthly payments made by Sup. of Public Instruction. | Monthly balances against Sup. Pub. Instruction. | Monthly balances in favor of Sup. Pub. Instruction. | Act'l balances in hands of Super'dnt at end of each month. | One m'th's int. on ea. monthly bal'ce against Sup. Pub. Ins. |
|---|---|---|---|---|---|---|---|---|
| 1836, March, | 153 00 | 45,173 20 | 45,326 20 | 45,016 81 | 309 39 | | 309 39 | 1 54 |
| April, | 5,988 60 | 49,187 18 | 55,175 78 | 64 38 | 55,111 40 | | 55,420 79 | 277 10 |
| May, | 7,989 47 | 4,138 48 | 12,127 95 | 35,256 63 | | 23,128 68 | 32,292 11 | 161 46 |
| June, | 4,208 49 | 1,162 34 | 5,370 83 | 10,257 76 | | 4,886 93 | 27,405 18 | 137 02 |
| July, | 5,993 48 | 3,150 42 | 9,143 91 | 5,081 00 | 4,062 91 | | 31,468 09 | 157 34 |
| August, | 10,918 76 | | 10,918 76 | 10,000 00 | 918 76 | | 32,386 85 | 161 93 |
| September, | 4,175 10 | 1,546 66 | 5,721 76 | 5,097 49 | 624 27 | | 33,011 12 | 165 55 |
| October, | 13,341 26 | 2,323 00 | 15,664 26 | 31,975 74 | | 16,311 48 | 16,699 64 | 83 50 |
| November, | 10,339 92 | 979 91 | 11,319 83 | 135 05 | 11,184 78 | | 27,884 42 | 139 42 |
| December, | 4,920 42 | 452 03 | 5,372 45 | 131 75 | 5,240 70 | | 33,125 12 | 165 62 |
| 1837, January, | 4,055 67 | 17,793 98 | 21,849 65 | 10,420 35 | 11,429 30 | | 44,554 42 | 222 77 |
| February, | 19,072 95 | 959 82 | 20,032 77 | 249 79 | 19,782 98 | | 64,337 40 | 321 68 |
| March, | 18,150 37 | 99 83 | 18,250 20 | 10,173 25 | 8,076 95 | | 72,414 35 | 362 07 |
| April, | 3,384 62 | | 3,384 62 | 12,998 59 | | 9,613 97 | 62,800 38 | 314 00 |
| May, | 13,001 23 | 227 30 | 13,228 53 | 3,535 00 | 9,673 53 | | 72,473 91 | 362 37 |
| June, | 7,868 64 | 8,275 00 | 16,143 64 | 10,788 90 | 5,354 74 | | 77,828 65 | 389 14 |
| July, | 4,956 82 | 3,366 98 | 8,323 80 | 16,053 00 | | 7,729 20 | 70,099 45 | 350 49 |
| August, | 10,692 42 | 111 06 | 10,803 48 | 10,549 09 | 254 39 | | 70,353 84 | 351 77 |
| September, | 18,301 41 | 4,157 25 | 22,458 66 | 10,597 27 | 11,861 39 | | 82,215 23 | 411 07 |
| October, | 12,582 15 | 1,646 27 | 14,228 42 | 11,585 30 | 2,643 12 | | 84,858 35 | 424 29 |
| November, | 4,265 70 | 675 83 | 4,941 53 | 101 00 | 4,840 53 | | 89,698 88 | 448 49 |
| December, | 5,018 10 | 27 00 | 5,045 10 | 703 03 | 4,342 07 | | 94,040 95 | 470 20 |

## B.—Continued.

| DATES. | Monthly collections from County Agencies. | Monthly Collections from other sources. | Total monthly Collections. | Monthly Payments made by Sup. of Pub. Instruction. | Monthly Balances against Sup. Pub. Instruction. | Monthly Balances in favor of Sup. Pub. Instruction. | Actual bal'c's in the h'nds of Sup. at the end of each month. | One m'th's int. on ea. monthly bal'ce against Sup. Pub. Ins. |
|---|---|---|---|---|---|---|---|---|
| 1838, January, | 6,583 43 | 24,988 11 | 31,571 54 | 702 49 | 30,869 05 | | 124,910 00 | 624 55 |
| February, | 10,274 02 | 25 13 | 10,299 15 | 1,057 25 | 9,241 90 | | 134,151 90 | 670 76 |
| March, | 7,335 75 | | 7,335 75 | 268 82 | 7,066 93 | | 141,218 83 | 706 09 |
| April, | 11,230 72 | 367 19 | 11,597 91 | 863 81 | 10,734 10 | | 151,952 93 | 759 76 |
| May, | 4,744 44 | | 4,744 44 | 122 50 | 4,621 94 | | 156,574 87 | 782 87 |
| June, | 2,261 39 | 1,094 64 | 3,356 03 | 202 31 | 3,153 72 | | 159,728 59 | 798 64 |
| July, | 3,294 62 | 7,863 66 | 11,158 28 | 438 01 | 10,720 27 | | 170,448 86 | 852 24 |
| August, | 7,291 29 | 48 19 | 7,339 48 | 71,462 34 | | 64,122 86 | 106,326 00 | 531 63 |
| September, | 2,885 91 | | 2,885 91 | 21,521 87 | | 18,635 96 | 87,690 04 | 438 45 |
| October, | 2,926 25 | 904 82 | 3,831 07 | 486 93 | 3,344 14 | | 91,034 18 | 455 17 |
| November, | 5,903 53 | | 5,903 53 | 125 50 | 5,778 03 | | 96,812 21 | 484 06 |
| December, | 1,490 00 | 481 50 | 1,971 50 | 12,000 00 | | 10,028 50 | 86,783 71 | 433 92 |
| 1839, January, | 4,989 82 | 181,256 48 | 186,246 30 | 165,450 91 | 20,795 39 | | 107,579 10 | 537 89 |
| February, | 1,684 34 | 138,869 62 | 140,553 96 | 139,121 19 | 1,432 77 | | 109.011 87 | 545 56 |
| March, | 4,547 70 | | 4,547 70 | 844 12 | 3,703 58 | | 112,715 45 | 563 57 |
| April, | 4,539 15 | 729 76 | 5.268 91 | 204 17 | 5,064 74 | | 117,780 19 | 588 90 |
| May, | 5,572 88 | 31,244 86 | 36,817 74 | 42,644 86 | | 5,827 12 | 111,953 07 | 559 76 |
| June, | 9,442 22 | | 9,442 22 | 826 73 | 8,615 49 | | 120,568 56 | 602 84 |
| July, | 1,354 38 | 9,780 00 | 11,134 38 | 11,829 41 | | 695 03 | 119,873 53 | 599 37 |
| August, | 6,286 87 | 32 35 | 6,319 22 | 15.338 33 | | 9,019 11 | 110,854 42 | 554 27 |
| September, | 1,353 76 | 29.439 06 | 30,792 00 | 30,408 82 | 384 00 | | 111,238 42 | 556 19 |
| October, | 2,142 79 | 1,473 45 | 3,616 24 | 2,976 56 | 639 68 | | 111,878 10 | 559 39 |
| to 18th Nov. | 1,640 00 | 3,236 04 | 4,876 04 | 1,329 39 | 3,546 65 | | 115,424 75 | *334 28 |
| | $99,154 94 | 577,288 39 | 876,443 33 | 761,017 50 | | | 115,424 75 | 19,428 98 |

*Eighteen days Interest.

(C.)

## CONDENSED MONTHLY STATEMENT

Of the monies paid to the Union and Planters Banks and the Bank of Tennessee by the Superintendent of Public Instruction; and the Dividends by him received from the two first named Banks, and the bonus from the Planter's Bank, as per Bank Statement.

| Date. | Paid into Bank. | Rec'd from Banks. | Date. | Paid into Banks. | Rec'd from Banks. |
|---|---|---|---|---|---|
| 1836, March, | 45.000 | | Bro't forward, | 231,930 00 | 42.302 82 |
| May, | 35.000 | | 1838, July, | 46.893 78 | 7,056 00 |
| June, | 10.000 | | August, | 27,356 31 | |
| July, | 5.000 | 2,400 25 | Sept'r, | 17,643 62 | |
| August, | 10.000 | | October, | | 659 82 |
| Sept'r, | 5.000 | 497 91 | Decemb'r | 1.540 00 | |
| Nov'r, | 31,700 | | 1839, January, | 179,505 03 | 9,432 00 |
| 1837, January, | 10,230 | 16,436 02 | Feb'y, | 138,869 62 | |
| March, | 10.000 | | March, | 7.448 87 | |
| April, | 12,000 | | April, | 1,344 76 | 729 76 |
| May, | 3,000 | | May, | 35.964 86 | |
| June, | 25.000 | | June, | 7,088 14 | |
| August, | 10,000 | | July, | 10,825 00 | 9,780 00 |
| Sept'r, | 10,000 | | August, | 2,180 00 | |
| October, | 10,000 | | Sept'r, | 29.355 06 | |
| 1838, January. | | 10,000 0 0 | October. | 3,779 76 | 729 76 |
| Febr'ary, | | 11.372 00 | Nov, to 18th | 1,017 46 | |
| June, | | 1,094 64 | | | |
| | 231.930 | 42,303 82 | | 743,742 27 | 70,690 16 |

By am'nt paid into Union Bank on acc't of Henderson county Stock, 544 00

Total amount paid in, $744.286 27*

*Of this amount the Superintendent has evidences in certificates to the amount of $740,-213 81, [as per exhibit E,] leaving a balance to his credit in the Bank of Tennessee of $4,167 46.

(D.)

*Amount received by Superintendent of Public Instruction from Entry Taker of Ocoee District, viz:*

| | |
|---|---|
| January 28th, 1839, | $163,720 00 |
| February 26, | 138,869 62 |
| May 20, | 31,244 86 |
| September, 2 | 29,355 06 |
| Total amount, | 363,189 54* |

*Received since the 18th November from Ocoee $141,869 21.

## (E)

Statement of Securities in the hands of the Superintendent of Public Instruction, said by him to belong to the Common School Fund of Tennessee.

| Kind of Security. | Principals and Drawers. | Endorsers. | When due | Int'st chg'd. | Date of Obligation. | Am't due to Oct. 8, '39. | Res'd. of Principal. |
|---|---|---|---|---|---|---|---|
| A Bill, | J. B. Clements, | J. M. Norris, Dennis & M'Kinney, R. H. C. Bagley and A. Vanwyck, | Jan. 14, 1838, | 6 p. c. | Jan. 11, 1837. | 6,827 76 | Lincoln Co. Te. |
| A Note. | S. Todd, | James Fulton and Jno. Clark, Jr. | Aug. 4, do | 6 | June 13, 1838 | 2,825 13 | Lincoln Co. Te. |
| do | Dennis & M'Kinney, | J. B. Clements, Gilliland and Rosebro and C. & A. M'Kinney & Co. | Feb. 10, 1839, | 6 | Aug. 7, do | 14,388 85 | Lincoln Co. Te. |
| do | James Caruthers, | Deed of trust, | March 11, 1838 | 9 | Sept. 8, do | 5,343 75 | Lincoln Co. Te. |
| An Acceptance, | D. Wallace & Son, | Jas. Smith and M'Ewen, Whiteman & Co. | Aug. 21, 1839, | 6 | Feb. 18, 1839 | 505 93 | Tuscumbia, Al. |
| A Note, | A. C M'Ewen and others, | Deed of trust, | Jan. 17, 1837, | 9 | Jan. 17, 1837 | 12,449 99 | Marshall Co Mi |
| do | Wm. Norris, | J. B. Clements and Jno. Lanier, | Sept. 8, 1839. | 6 | June 8, 1839, | 329 91 | Lincoln Co. Te. |
| A Receipt, | M'Campbell & Trimble, cl'ms ag'nst H'ly Springs Banking Co. | No Security, | At difr'nt per'ds | 8 | August do | 16,296 34 | Marshall Co Mi |
| A Note, | Washington Barrow, | S. Watson and A. M'Intosh, | Jan. 4, 1840. | 9 | Oct. 1, do | 370 28 | Vicksburg, Mis. |
| do. | John Scott, | Mortgage, | do do | 9 | July 1, do | 9,787 50 | Nashville, Ten. |
| do. | Wm. B. Robinson & Co. | S. E. Gilliland and Sam'l Rosebro, | do do | 9 | Oct. 1, do | 12,479 50 | Lincoln Co. Te. |
| do. | D. Williams, | John Shelby, | Dec. 23, 1839, | 9 | Sept. 20, do | 2,329 65 | Nashville, Ten. |
| do. | M'Ewen, Whiteman & Co | No Security, | Jan. 4, 1840, | 9 | Sept. 27, do | 14,600 00 | Nashville, Ten. |
| do. | John Scott, | Robert H. M'Ewen, | do do | 9 | May 1, do | 6,851 00 | Nashville, Ten. |
| do. | R. J. Meigs, | do | do do | 6 | Oct. 1, do | 861 08 | Nashville, Ten. |
| do. | John W. Simpson, | do | do do | 9 | do do | 555 88 | White Co. Ten. |
| do. | S. E. Benson, | No Security, | do do | 9 | do do | 647 06 | Nashville, Ten. |
| do. | Paul Negrin, | do | do do | 9 | do do | 569 69 | Nashville, Ten. |
| do. | Thomas Stringfield, | T. L. Douglass and A. L. P. Green, | Oct. 18, 1839, | 6 | Sept. 16, do | 588 19 | Nashville, Ten. |
| do. | G. G. Skipwith, | W. E. Kennedy and R. H. M'Ewen | Jan. 4, 1840, | 6 | April 3, 1838 | 627 70 | Maury Co. Te. |
| A Bill, | Bk U.S. & Bk Col'mb's, Mi | W. B. Benge, | April 4, 1840, | 12 | April 12, '39 | 283 00 | W B. Benge res. in Linc'ln co. T. |
| A Note. | Wm. Harris, | Robert H. M'Ewen, | Nov. 1, 1839, | 6 | Aug. 23, 1839 | 820 54 | Nashville Ten. |
| | | | | | Total, | 113,210 03 | |

(F.)

STATEMENT OF MONIES paid by, and due from the Securities of Joel Parrish.

| | Amount of Judgment. | Amount Paid. | Balance due | |
|---|---|---|---|---|
| John Shelby, | 630 00 | In full. | | Judgment rendered the 22d of December, 1834. |
| Solomon Clark and securities, | 100 00 | do. | | " " |
| Robert P. Currin, | 630 00 | do. | | " " |
| David A. Dunham, | 630 00 | do. | | " " |
| Jos. W. Horton, | 630 00 | | 825 85 | " " |
| John C. M'Lemore and securities, | 1,000 00 | | 1,295 00 | " " |
| Hinchey Petway, | 1,265 00 | | 1,644 48 | " " |
| Jos. Norvell and security, | 100 00 | do. | | " " |
| R. & W. Armstrong, | 375 00 | | 485 63 | " " |
| John Bell and securities, | 630 00 | | 825 85 | " " |
| Moses Norvell, | 150 00 | do. | | " " |
| Simon Bradford, | 100 00 | do. | | " " |
| Geo. W. Gibbs, | 630 00 | | 825 85 | " " |
| Jos. Phillips, | 630 00 | do. | | " " |
| Total, | 7,500 00 | | 5,902 66 | |

(G)

BANK STOCK, certificates of which are in the hands of the Superintendent.

| Bank. | No. of Shares. | In whose name drawn. | Pd. by Superintend't. | Pd. in all. | Remarks. |
|---|---|---|---|---|---|
| F. and M. Bk. Memphis, | 7 | Com. S. Comm. Shelby Co. | | 700 00 | |
| Union Bank, | 23 | do do | 230 00 | 2,300 | |
| do | 50 | do Madison, | | 4,250 | 750 unpaid on these Shares. |
| do | 40 | do Maury, | | 3,000 | 1,000 " " |
| do | 100 | do Sumner, | | 10,000 | |
| do | 40 | do Henderson, | *544 | 2,400 | 1,056 " " |
| do | 140 | do Williamson, | | 14,000 | |
| Planters Bank, | 6 | do Wayne, | | 600 | |
| do | 16 | do Lawrence, | | 1,600 | |
| do | 87 | do Giles, | | 8,700 | |
| do | 1 | do Hawkins, | | 100 | |
| do | 18 | do Henry, | | 1,800 | |
| do | 2,317 | Supt. Pub. Instruction, | 231,700 00 | 231,700 | |
| Bank of Tennessee, | | do do | 472,515 05 | 472,515 05 | |
| do | | do do | 35,229 76 | 35,229 76 | Sinking Fund. |
| Total, | 2,845 | | 740,218 81 | 788,894 81 | |
| Nashville, Murfreesborough and Shelbyville Turnpike Company, | | | | 42,183 42 | |
| Smoky Mountain | | do do | | 3,956 36 | |
| Total School Monies invested in Stocks, | | | | 835,034 59 | |

*This sum the clerk in the Union Bank says was not paid in by the Superintendent, but was part of the dividend of the Henderson county stock re-invested as part payment on the Stock. The Superintendent says, however, he paid it in, and claims credit for it.

On motion of Mr. Warner, *Ordered*, That 200 copies of the foregoing report be printed for the use of the Senate.

Mr. Jones of Lincoln moved that 2000 copies of the said report, be printed for the use of the Senate in addition to the 200 copies already ordered.

And thereupon the question was had and determined in the affirmative—ayes 13, noes 8. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Balch, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Warner, Wheeler, Yoakum and Speaker Love—13.

The negative voters were

Messrs. Aiken, Ashe, Brown, Frey, Marshall, Reneau, Sevier and Turney—8.

And so said motion prevailed.

Mr. Yoakum submitted the following, to wit:

*Resolved*, That the committee on the Judiciary, be instructed forthwith to report a bill providing that, if any Treasurer, Sheriff or Clerk of any of the courts in this State—county Trustee, Register, Agent, for the collection of common school monies or any other officer in this State, who is by law entrusted with the collection, safe keeping or disbursement of the public money of this State, shall convert to his own use in any way whatever, or shall use by way of investment in any kind of real or personal property or merchandize, or shall loan with or without interest, any portion of public money by him collected, or entrusted to him for safe keeping, disbursement or transfer or for any other purpose, such officer as aforesaid so offending, shall be declared and adjudged guilty of embezzlement of so much of the said money, as shall be thus taken, converted, invested, used or loaned, which embezzlement is hereby declared to be a felony; and any such officer or person convicted thereof in any of the circuit courts, shall be sentenced to imprisonment in the common Goal and Penitentiary house of this State for a period not less than two, nor more than ten years.

Mr. Frey from the committee on enrollments, reported as correctly enrolled, An act to change the time of holding the circuit courts of Robertson county.

The said act was signed by the Speaker, and ordered to be transmitted to the House of Representatives.

Mr. Coe introduced

A Bill to amend the acts incorporating the town of Memphis in Shelby county, which was read a first time and passed.

Mr. Turney introduced

A Bill to prevent frauds in entering and selling lands previously appropriated, which was read a first time and passed.

Mr. Frey from the committee on Ways and Means, to whom was referred a Bill to amend the revenue laws of this State, reported that the committee have had the same under consideration, think its provisions reasonable, and had instructed him to recommend its passage.

The said bill was thereupon read a second time and passed.

Mr. Frey from the same committee, to whom was referred a Bill giving to Johnson county the State tax for the year 1841, reported that the committee have had the same under consideration, think its provisions unreasonable, and had instructed him to recommend its rejection.

Mr. Aiken moved a nonconcurrence with said report, which motion failed.

Mr. Aiken moved to strike from said bill the proviso thereto, which motion also fvailed.

Mr. Laughlin thereupon moved to amend the said bill by adding thereto the following, to wit:

*Be it enacted*, That in each of the new counties established since the first day of January 1835, and such as are established at the present session, where the proceeds of the sale of lots shall have fallen short, or shall fall short of the amount necessary to erect a Court House and Goal, that the taxes shall be remitted to said counties, and in the same way as is provided in this act for the county of Johnson, and this provision shall include the county of Overton, in which the seat of justice has been removed from the town of Monroe to the town of Livingston.

The said amendment was accepted, and the bill was thereupon read a second time, and the question, shall the bill pass, being had, it was determined in the negative—ayes 7, noes 15.

The ayes and noes being demanded the affirmative voters were

Messrs. Aiken, Coe, Gillespy, Laughlin, Sevier, Turney and Yoakum—7.

The negative voters were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Jennings, Jones of Hickman, Jones of Lincoln, Marshall, Reneau, Smith, Walton, Warner, Wheeler and Speaker Love—15.

And so said bill was rejected.

Mr. Warner from the committee on claims, to whom was referred a Bill for the relief of James Vaughn of Monroe county, reported that the committee have had the same under consideration, think its provisions unreasonable, and had instructed him to recommend its rejection.

On motion of Mr. Gillespy the said report and bill were ordered to the table.

Mr. Jones of Hickman returned a Bill to charter the Perryville and Lexington turnpike company and for other purposes, which was read a second time and passed.

Mr. Brown asked and obtained leave to withdraw the same for amendment.

Mr. Yoakum moved that the Senate resolve themselves into a committee of the whole, on the bill to carry into operation the Lunatic Asylum, which motion being lost, he moved that the committee be discharged from its further consideration, which motion prevailed. He thereupon moved that the Senate take up and consider the said bill, which motion was rejected.

A message from the House of Representatives by Mr. Crockett their Clerk.

Mr. Speaker: The House of Representatives concur with your resolution directory to the Entry Taker of the Ocoee District.

And then he withdrew.

Mr. Coe returned a Bill to preserve the purity of elections, and moved to strike out the 8th and 9th sections thereof, which motion prevailing, Mr. Marshall offered two additional sections in lieu of the said 8th and 9th sections, which being amended on motion of Messrs. Coe and Wheeler was adopted.

Mr. Wheeler moved further to amend by striking from the said bill the words, "or offered to vote," which motion prevailed.

Mr. Yoakum offered an amendment, which was received.

Mr. Coe offered sections 12 and 13 as an amendment to the said bill, which were also received.

Mr. Turney moved further to amend the said bill by striking therefrom the 4th section thereof

And thereupon the question was had, and determined in the negative—ayes 4, noes 18. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy and Turney—4.

The negative voters were

Messrs. Ashe, Anderson, Brown, Frey, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Smith, Walton, Warner, Wheeler, Yoakum and Speaker Love—18.

And so said motion was rejected.

Mr. Warner offered an amendment to the 4th section of said bill, providing that persons residing in fractions of new counties shall have the right to vote at any precinct in the county from which said fraction was taken, at any election which shall be held before the next apportionment of representation.

And the sense of the Senate being thereon had, the said amendment was received.

The said bill was thereupon read a second time and passed.

A message from the House of Representatives by Mr. Crockett, their Clerk:

Mr. Speaker: The House of Representatives did this day sign an enrolled bill entitled, An act to repeal an act passed Oct. 23d 1837, ch. 210 declaring Buffalo river navigable up to Beardstown in Perry county, and an act to establish the county of Powell.

And then he withdrew. Whereupon the Speaker of the Senate signed said enrolled acts, and ordered them to be deposited in the office of the Secretary of State.

Then the Senate adjourned.

FRIDAY MORNING, Dec. 6, 1839.

Mr. Walton presented the memorial of 455 citizens of Smith and Sumner counties remonstrating against the establishment of the county of Macon, which was referred on his motion to the committee on new Counties and County lines.

Mr. Reneau from the committee on enrollments, reported as correctly enrolled, An act to incorporate a turnpike and bridge company from Johnsonville across Reelfoot lake to the Mississippi river.

The Speaker of the Senate signed the said enrolled act, and ordered it to be transmitted to the House of Representatives.

Mr. Jones of Lincoln introduced

A Bill making an appropriation of money to Richard G. Scoggin, which was read a first time and passed, and with its accompanying documents referred to the committee on claims.

The business of the morning being through, Mr. Speaker Love rose and tendered his resignation as Speaker of the Senate in the following words, to wit:

*Gentlemen of the Senate:*

I feel grateful to your honorable body for the honor conferred upon me at the opening of the present session, when you selected me to preside over your deliberations. I feel, however, after the experience of several weeks, that at my advanced age and with my declining health, I am not fully able to undergo the arduous labors which devolve upon the Chair, and in justice to you as well as to myself, I have made up my mind to resign into your hands, as I now do, the office of "Speaker of the Senate."

You will, no doubt, be able to select some other Senator better qualified to discharge the duties of the station than myself. I have endeavored to discharge my duties with honesty, faithfulness and impartiality. If I have erred, (as no doubt I have) it was an error of the head, not of the heart—it was not intentional. If, in the discharge of my duties, it has been my misfortune to wound the feelings of any member of this Senate, I beg his forgiveness. And should it please Divine Providence to spare each member of this body until we shall have finished the business of this present session, and shall depart from the Chamber to return to our homes and our families—and many of us part, in all human probability, never to meet again—it will be my sincere prayer, as it now is, that it may be the will of God to grant his blessing to each and all of you.

Before leaving this Chair allow me, gentlemen, to offer you my sincere thanks for the kindness received at your hands: and especially for the aid and assistance which you have uniformly rendered me in the discharge of my duties—and permit me also to tender to you individually my warmest affections and most heartfelt gratitude together with the assurance that I shall not cease to remember your indulgent kindness to the latest hour of my life.

Whereupon Mr. Frey was called to the Chair on motion of Mr. Aiken.

The Senate then proceeded to the election of a Speaker. Mr.

Brown nominated Paulding Anderson, the Senator from the county of Wilson. Mr. Hardwicke put in nomination the name of Levin H. Coe, the Senator from the county of Fayette.

Senators who voted for Mr. Coe, were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Wheeler and Yoakum—13.

Senators who voted for Mr. Anderson, were

Messrs. Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Terry and Walton—9.

Whereupon Mr. Frey declared Levin H. Coe, the Senator from the county of Fayette, duly and constitutionally elected. Who was thereupon conducted to the chair by Messrs. Anderson and Hardwicke, and made his acknowledgments in the following words, to wit:

*Gentlemen of the Senate:*

Before entering upon the duties of the office in which your kind partiality has just placed me, I should do injustice to my own feelings and be guilty, seemingly, of ingratitude towards you, if I were not to tender you my most sincere acknowledgments for this distinguished mark of your favor.

To be elevated to the second office known to the Constitution of Tennessee, is an honor which might well crown a long life of active and efficient service devoted to the State's best interests. When I recur to the brief period which has passed since my first appearance as a public agent, to the fact that I can claim the merit of no such services, and when I look around upon the many more aged and experienced Senators who surround me, I cannot but feel that a more worthy selection might have been made.

I shall therefore enter with feelings of great diffidence upon the discharge of the additional and arduous duties just devolved upon me: with a determination to spare no effort to give general satisfaction and to merit the confidence of all, by acting with strict impartiality and with such decision and firmness as I may be able to command.

I approach this task with the less reluctance from a confidence that the same kind feeling which placed me here, will incline you to look with an indulgent eye upon such errors as my inexperience in parliamentary proceedings may run me into when called upon, on the spur of the moment to decide questions of order which to me may be novel.

The Chair will rely with confidence upon your zealous co-operation in the enforcement of the rules of order which you have adopted for your own government, and without a due observance of which we cannot hope the result if our labors will be to reflect credit upon ourselves, or sustain the hitherto high standing of this body. I can promise you that on my part neither attention nor industry will be wanting.

It has been our fortune, Senators, to have assembled at a time of extraordinary interest. The eyes of the people of our own and of our sister States are intently fixed upon us. Many and important questions both of local and general policy have sprung up, upon which

the greatest and best differ widely. Representing as we generally do here, constituencies whose opinions honestly maintained upon these questions are widely sundered, and mingling here in debate with that freedom of thought and of speech guaranteed by our sacred Constitution, the experience of the past tells us that we cannot hope so far to divest ourselves of the frailties incident to human nature as to show no evidences of these excitements. But may not our intercourse be marked with that mildness, urbanity and mutual forbearance which becomes the patriot & be free from all personalties and recriminations alike disreputable to the man and the Senator? Can we not exchange opinions with the frankness which becomes freemen who, though differing, feel conscious that each has the same praiseworthy object in view—the greatest good to our common country?

I now assume this mace, the emblem of authority you have been pleased to confer upon me, prepared cheerfully at any moment when such may be your pleasure, to yield it to other and abler hands; and with the fervent prayer that the result of our deliberations may be such as will redound to our own credit, sustain the dignity of the Senate, be beneficial to the State and answer the just expectations of those who placed us upon this floor.

*Ordered*, That the Clerk inform the House of Representatives of the resignation of the Honorable Thomas Love, and of the election of the Honorable Levin H. Coe.

Mr. Laughlin submitted the following:

*Resolved*, That the thanks of the Senate be tendered to General Thomas Love the venerable Senator from Henry, who has just resigned and retired from the Speaker's Chair, for the strict impartiality, the respectful courtesy, and the untiring diligence with which he has discharged his various and important duties as presiding officer of the Senate.

And the rule being suspended the said resolntion was adopted.

Mr. Jennings presented a statistical table drawn by Henry Ewing, cashier of the Bank of Tennessee shewing the number of qualified voters, number of white polls, value of property, and the amount of taxes paid.

Mr. Yoakum's resolution of yesterday directory to the committee on the judiciary, was taken up and read.

Mr. Marshall moved to amend the said resolution by adding thereto the following, to wit:

Or said committee shall make such other provisions in said bill as they may deem expedient and proper, which was accepted.

The said resolution was further amended on motion of Mr. Jennings by adding thereto the following, to wit:

Provided, that the penalties therein stated, shall extend to the Comptroller or any other officer of the Treasury who connives at, or in violation of his duty enjoined by law conceals such embezzlement of the public monies.

The said resolution was thereupon read as amended and adopted.

A Bill to remove the Branch of the Bank from Clarksville in the

county of Montgomery, to the town of Sparta in the county of White, was on motion of Mr. Turney taken up and read.

Mr. Turney moved to strike from said bill all that part thereof after the words "De Kalb and White."

And the question being thereon had, it was determined in the negative—ayes 8, noes 15. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Brown, Frey, Jennings, Hardwicke, Marshall, Reneau, Sevier and Walton—8.

Those who voted in the negative were

Messrs. Aiken, Anderson, Balch, Gillespy, Jones of Hickman, Jones of Lincoln, Love, Laughlin, Smith, Terry, Turney, Warner, Wheeler, Yoakum and Speaker Coe—15.

And so said motion to strike out was rejected.

The said bill was thereupon put upon its passage and the question, "shall the bill pass," being thereon had, it was determined in the affirmative—ayes 15, noes 9.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Gillespy, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Terry, Turney, Warner, Wheeler, Yoakum and Speaker Coe—15.

The negative voters were

Messrs. Ashe, Brown, Frey, Hardwicke, Jennings, Marshall, Reneau, Sevier and Walton—9.

And so said bill passed its second reading.

Whereupon Mr. Frey moved its reference to the committee on Banks.

And thereupon the question was had and determined in the affirmative—ayes 14, noes 10. The ayes and noes being demanded, the affirmative voters were

Messrs. Ashe, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Marshall, Reneau, Sevier, Smith, Terry and Walton—14.

The negative voters were

Messrs. Aiken, Balch, Jones of Hickman, Laughlin, Love, Turney, Warner, Wheeler, Yoakum and Speaker Coe—10.

And so said motion prevailed.

A message from the House of Representatives by Mr. Crockett, their clerk.

Mr. Speaker: The House of Representatives concur with your resolution directing the joint committee on the common school fund to count and burn the notes of the old State Bank now in the hands of the Superintendent of Public Instruction.

They nonconcur with your resolution appointing a joint select committee on agriculture and manufactures.

They concur with your resolution to appoint a joint select committee, to whom all memorials, bills, resolutions and other documents relating to the Penitentiary Turnpike Company shall be referred; and have appointed Messrs. Johnson of Greene, Cherry, McKinney and Standifer to be of said committee on their part.

They have adopted a resolution appointing a joint select committee to examine the Branch Bank of Tennessee at Columbia, in relation to the late robbery of said branch, and have appointed Messrs. Williamson, Glenn and Martin of Maury, to be of said committee on their part, in which they ask your concurrence.

And then he withdrew. Whereupon the said resolution was read and nonconcurred with.

*Ordered*, That the clerk acquaint the House of Representatives therewith.

Mr. Yoakum introduced

A Bill to prevent the waste of the common school monies, which was read a first time and passed, and referred to the committee on education and common schools.

Mr. Gillespy's motion made on Wednesday last to reconsider the vote rejecting the bill to encourage the growth and culture of silk in the State of Tennessee, was taken up and reconsidered, and the question, "will the Senate reconsider the said vote," being had it was determined in the affirmative—ayes 15, noes 7.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Ashe, Anderson, Brown, Frey, Gillespy, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Terry, Walton and Speaker Coe—15.

Those who voted in the negative were

Messrs. Balch, Jennings, Jones of Hickman, Turney, Warner, Wheeler and Yoakum—7.

And so said vote was reconsidered.

Mr. Reneau thereupon moved to lay the said bill on the table, which motion was lost.

Mr. Jennings offered the following as an amendment thereto, to wit:

Provided that nothing herein contained shall be construed as expressive of an opinion on the part of this General Assembly, of an approbation of an increase of the bounties which would be bestowed on manufactures by increasing the present rate of tariff duties.

Mr. Wheeler moved to lay the said amendment on the table, and the sense of the Senate being thereon had, it was determined in the affirmative.

Mr. Jones of Lincoln thereupon offered the following as an amendment to said bill, to wit:

Provided that no bounty or premium shall be paid under the provisions of this act, to any corporation or person intrusted as a stock holder or otherwise in any company incorporated for the purpose of encouraging the growth and manufacture of silk. And the sense of the Senate being thereon had the said amendment was accepted.

The said bill was thereupon read a second time as amended and the question, "shall the bill pass," being thereon had, it was determined in the negative—ayes 7, noes 17.

The ayes and noes being demanded, the affirmative voters were

Messrs. Ashe, Gillespy, Jones of Lincoln, Laughlin, Reneau, Terry and Speaker Coe—7.

Those who voted in the negative were

Messrs. Aiken, Anderson, Balch, Brown, Frey, Hardwicke, Jennings, Jones of Hickman, Love, Marshall, Sevier, Smith, Turney, Warner, Walton, Wheeler and Yoakum—17.

And so said bill was rejected.

A Bill to incorporate the Ashland Academy in Wayne county and for other purposes, was read a third and last time and passed.

On motion of Mr. Marshall it was ordered, that the bill to repeal all laws authorizing the Governor of the State to subscribe for stock in any internal improvement company on behalf of the State and for other purposes, be made the order of the day for Tuesday next.

Mr. Reneau from the committee on Enrollments reported as correctly enrolled, An act to authorize James Vaughn and James Ghormley to open and keep up a turnpike road.

The Speaker of the Senate signed the said enrolled act and ordered it to be transmitted to the House of Representatives.

Mr. Smith submitted the following:

*Resolved*, That a standing committee consisting of five be appointed, to be called the committee on agriculture and manufactures, and that said committee when raised, shall be a joint committee, and with the committee on the same subject on the part of the House of Representatives.

And Mr. Jennings the following:

Whereas the amount of the circulation of the Bank of Tennessee at the period when the said bank suspended specie payments, affords a safe index of the issues which that institution may make without creating thereby any impediment which can prevent or retard a resumption, whenever the condition of the commercial world will justify such a step. Therefore,

*Be it resolved by the General Assembly of the State of Tennessee*, That the President and Directors of said Bank, be and are hereby instructed to increase the present rate of discounts, provided that they do not thereby increase the amount of circulation of the bank beyond the amount above specified.

On motion of Mr. Yoakum the bill to carry into operation the Lunatic Hospital, was taken up and read.

Mr. Gillespy moved to strike out all that part of the first section which provides for the appointment of commissioners.

Mr. Laughlin moved to amend the said motion, by substituting for that part proposed to be stricken out, the following, to wit:

The Governor of the State shall appoint seven suitable persons to act as trustees, which was accepted, and the amendment of Mr. Gillespy as amended was adopted.

Mr. Warner offered an amendment to the third section of said bill, to wit:

Provided that said trustees shall make no appropriation of money but such as has been previously appropriated by existing laws to said

institution, or such money as they may receive from private individuals for keeping insane persons in the hospital; which was received.

Mr. Yoakum offered a proviso as an amendment to the 8th section of said bill, which was accepted.

Mr. Jones of Hickman offered the following as an amendment to the 7th section of said bill, to be inserted after the words, "upon the receipt of such certificates," to wit:

And upon such county becoming bound in such manner as the Superintendent of said Lunatic Hospital may deem sufficient to compel such county to prevent such Lunatic Hospital from being any expense to the State of Tennessee. During the pendency of which

The Senate adjourned.

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SATURDAY MORNING, Dec. 7, 1839.

Mr. Laughlin presented the memorial of two hundred and eleven citizens of Franklin county remonstrating against a repeal of the tippling act of 1837. Which was read and on his motion, ordered to be transmitted to the House of Representatives.

Mr. Warner from the committee on claims, to whom was referred a Bill for the relief of A. M. Rogers late Sheriff and Collector of Hamilton county, reported that the committee have had the same under consideration, and had instructed him to report an amendment thereto, and with the amendment to recommend the passage of the bill.

On motion of Mr. Gilllespy the said bill, amendment and report were ordered to the table.

The Senate resumed the consideration of the bill to establish the Lunatic Hospital. The amendment offered by Mr. Jones of Hickman on yesterday to the 7th section of the bill being first in order, the Senate proceeded to its consideration. And after some time spent in its discussion, the question "will the Senate receive the amendment," was thereon had and determined in the negative—ayes 8, noes 16.

The ayes and noes being demanded, the affirmative voters were

Messrs Brown, Jones of Hickman, Marshall, Reneau, Walton, Warner, Wheeler and Speaker Coe—8.

Those who voted in the negative were

Messrs. Aiken, Anderson, Ashe, Balch, Frey, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Love, Sevier, Smith, Terry, Turney and Yoakum—16.

And so said amendment was rejected.

On motion of Mr. Jones of Hickman, the 9th section of said bill was amended by providing that the expense of conveying a lunantic to the hospital should be paid out of the State treasury instead of the treasury of the county from whence said lunatic may be brought.

The 12th section of said bill was amended on motion of Mr. Yoakum, by inserting the words "except as provided in the 8th section of this act," after the word "charge."

Mr. Warner moved to fill the first blank with the sum of five hundred dollars as physicians salary for the first year, which motion prevailed.

Mr. Yoakum moved to strike out from the 14th section the words "time of entering upon the discharge of his duties," and insert in lieu the words "first day of March next," which motion prevailed.

Mr. Yoakum moved to fill the second blank with the sum of "eight hundred dollars" as the physicians salary for each year after the first.

Mr. Warner moved to amend by providing that the trustees in their discretion should fix the salary, not however to exceed the said sum of eight hundred dollars, which was accepted by Mr. Yoakum.

Mr. Aiken moved to fill the blank with the sum of one thousand dollars, which last motion having precedence, the question was thereon had, and determined in the negative—ayes 6, noes 14.

The ayes and noes being required by the constitution, the affirmative voters were

Messrs. Aiken, Gillespy, Jennings, Jones of Lincoln, Laughlin and Marshall—6.

Those who voted in the negative were

Messrs. Anderson, Balch, Brown, Frey, Hardwicke, Jones of Hickman, Love, Reneau, Sevier, Terry, Walton, Warner, Wheeler and Speaker Coe—14.

And so said motion was rejected.

The question recurred then upon the amendment of Mr. Yoakum as amended by Mr. Warner, and the question, "will the Senate adopt the said amendment," being thereon had it was determined in the negative—ayes 10, noes 12.

The ayes and noes being required, those who voted in the affirmative were

Messrs. Aiken, Jennings, Jones of Lincoln, Laughlin, Love, Marshall, Turney, Walton, Warner and Speaker Coe—10.

Those who voted in the negative were,

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gillespy, Hardwicke, Jones of Hickman, Reneau, Sevier, Terry and Wheeler—12.

And so said amendment was rejected.

In lieu of all that part of said section 14, relating to the salary of the physicians, Mr. Jennnings offered the following, to wit:

*Be it enacted*, That the attending physician shall receive for his services from the treasury of the State, the sum of five hundred dollars annually from the 1st of March next until some other order is made by the General Assembly, which was accepted.

Mr. Gillespie, moved further to amend the said 14th section by adding thereto the following, to wit:

Provided nothing in this act contained, shall be so construed as to prevent the friends of any lunatic in said institution from employing any other physician to wait upon and administer to such lunatic, which amendment was also accepted.

The 15th section of said bill being read, Mr. Jennings offered the following amendment thereto, to wit:

Provided said convicts shall not be employed to perform any mechanical labor in the completion of said asylum, nor in providing furniture for the building, or clothing or other articles of convenience for the use of the inmates, but shall be restricted to such work as is usually allotted to slaves.

And thereupon the question was had and determined in the negative—ayes 4, noes 19. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Frey, Jennings and Marshall—4.

Those who voted in the negative were,

Messrs, Aiken, Anderson, Brown, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Sevier, Smith, Terry, Turney, Walton, Warner, Wheeler and Speaker Coe—19.

And so said amendment was rejected.

Mr. Marshall moved to strike out the whole of the said 15th section.

Mr. Wheeler moved to amend said section by striking out all that part thereof which requires the keeper of the Penitentiary to place such of the convicts under his care, to work in and about the lunatic hospital as may be required by the board of trustees, which was determined in the affirmative—ayes 13 noes 9.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Gilllespy, Hardwicke, Jones of Hickman, Love, Marshall, Smith, Terry, Warner, Wheeler and Speaker Coe—13.

The negative voters were

Messrs. Ashe, Brown, Frey, Jones of Lincoln, Laughlin, Reneau, Sevier, Turney and Walton—9.

And so said motion prevailed.

Mr. Jones of Hickman thereupon offered the following as an amendment to the said 15th section, to wit:

Provided that it shall be the duty of the board of trustees of said lunatic hospital to have done or purchase of the keeper of the penitentiary all articles manufactured at that place, that said trustees may have to purchase for the lunatic hospital; provided such articles can be purchased on as good terms there as elsewhere.

To which Mr. Wheeler offered the following as an amendment, to wit:

Provided also the amount received from the penitentiary shall be deducted from the appropriation made in the 16th section of the act, which was accepted:

The question was thereupon had upon the adoption of the following amendment as a part of the bill, and determined in the affirmative—ayes 19 noes 4.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Brown, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Smith, Sevier, Terry, Turney, Walton, Warner, Wheeler and Speaker Coe—19.

Those who voted in the negative were Messrs. Ashe, Frey, Jennings and Marshall—4.

And so said amendment was received and adopted as a part of said bill.

The queestion then recurred upon the proposition of Mr. Marshall, to strike out the said 15th section, and being thereon had it was determined in the negative—ayes 6, noes 16.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Brown, Frey, Jennings, Marshall and Reneau—6.

Those who voted in the negative were,

Messrs. Aiken, Anderson, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Terry, Turney, Walton, Warner, Wheeler and Speaker Coe—16.

And so said motion was rejected.

Mr. Frey moved to amend the 16th section of said bill, by striking out the word "February," and inserting the word "March," which motion prevailed.

The said bill was thereupon read a second time as amended and passed.

Mr. Balch moved a reconsideration of the vote rejecting the bill appropriating the State taxes for the years 1840 and '41 to Johnson county.

A resolution from the House of Representatives rescinding the resolution making the committees on internal improvement a joint committee, was taken up, read and concurred with.

*Ordered*, That the clerk acquaint the House of Representatives therewith.

And then the Senate adjourned.

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MONDAY MORNING, Dec. 9, 1839.

Mr. Hardwicke introduced

A Bill for the relief of William B. Young & Co. and for other purposes, which was read a first time, passed and referred to the committee on the judiciary.

A Bill for the relief of James Spencer, a citizen of the county of Meigs in the Ocoee District. And

A Bill to explain and extend the provisions of the act of 1794, ch. 1 sec. 32, concerning witnesses, were severally read a second time and passed.

Mr. Speaker Coe presented a report from Luke Lea, Esq. entry taker of the Ocoee District, made in obedience to a resolution adopted by the Senate on the 5th inst. requiring the said entry taker, to report to this General Assembly the kind of bank money received, and the kind refused by him as entry taker of said district, which was read and referred to the committee on Banks.

Mr. Laughlin introduced

A Bill to establish the county of Van Buren, which was read a first

time, passed and referred to the committee on new Counties and County lines.

A Bill to establish permanently the seat of justice in Hamilton county, was amended on motion of Mr. Turney, by inserting the words, "at or near" before the word "Vanville."

The said bill was thereupon read a second time and passed.

Whereupon Mr. Terry asked and obtained leave to withdraw the same for amendment.

Mr. Warner introduced

A Bill authorizing the extension of streets, alleys and margins in towns in certain cases, which was read a first time, passed and referred on his motion to the committee on the judiciary.

The resolution heretofore submitted by Mr. Smith raising a committee on agriculture and manufactures, was taken up, read and adopted. The Speaker appointed Messrs. Laughlin, Reneau, Smith, Warner and Anderson to be of said committee on the part of the Senate.

*Ordered*, That the clerk acquaint the House of Representatives therewit h and ask their concurrence therein.

A Bill to amend the revenue laws of this State, was read a third time and passed—ayes 19.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Hardwicke, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Terry, Turney, Walton, Warner, Wheeler and Speaker Coe—19.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A Bill to lessen the expenses of settlements with guardians in certain cases, was read a third time and passed—ayes 16, noes 3.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Hardwicke, Laughlin, Love, Reneau, Sevier, Terry, Turney, Walton, Warner, Wheeler and Speaker Coe—16.

The negative voters were,

Messrs. Jones of Lincoln, Marshall and Smith—3.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A Bill to prevent fraud and imposition in the sale of salt and sugar being read, Mr. Wheeler moved an amendment thereto, providing that the purchasers should buy at their option, by the barrel or sack or otherwise, which amendment was received.

The said bill was thereupon read a third time and passed—ayes 14, noes 6.

The ayes and noes being demanded, the affirmative voters were

Messrs. Anderson, Ashe, Brown, Gillespy, Jones of Lincoln, Laughlin, Love, Reneau, Smith, Terry, Turney, Walton, Warner and Speaker Coe—14.

Those who voted in the negative were

Messrs. Balch, Frey, Hardwicke, Marshall, Sevier and Wheeler—6.

And so said bill passed its third reading.

Mr. Gillespy introduced

A Bill concerning the property of testators in certain cases, which was read a first time, passed and referred to the committee on the judiciary.

A Bill to incorporate the town of Hampshire in the county of Maury and for other purposes being read, Mr. Jones of Lincoln, moved to amend by striking out so much thereof as authorizes the corporation to hold real, personal and mixed property, which motion prevailed.

Mr. Smith thereupon asked and obtained leave to withdraw the same for amendment.

A Bill to incorporate the Vanville rail road company, from the House of Representatives, was read a first time and passed, and referred to the committee on internal improvement.

A Bill to increase the tax on brokers, from the House of Representatives, was read a first time and passed, and ordered to be referred to the committee on the judiciary.

The report of Mr. Warner as chairman of the committee on land claims, as reported on the 4th inst. in relation to a Bill for the relief of John H. Johnson, was taken up and read, and nonconcurred with.

The said bill was thereupon read a second time and passed.

Mr. Marshall introduced

A Bill to provide for the collection and publication of the statutes of this State that have been passed since the year 1820, which was read a first time and passed, and referred to the committee on the judiciary.

A Bill to increase the capital stock of the Nolensville turnpike company being read, Mr. Jones of Lincoln moved to amend by providing that nothing therein contained should be so construed as to authorize the Governor of the State to subscribe for additional stock in said company, which amendment was received.

The said bill was thereupon read as amended a second time and passed.

The Speaker appointed Mr. Jones of Lincoln to be of the committee of conference, on the amendment proposed by the House of Representatives, to the bill to suspend so much of an act entitled, An act to establish a State Bank to raise a fund for internal improvement and to aid in a system of education, passed the 19th of Jan. 1838, as authorizes and requires the Governor of the State to issue the bonds of the State.

A Bill to alter the dividing line between the counties of Sevier and Blount,

A Bill to incorporate the citizens of Morgantown in the county of Blount.

A Bill to amend an act passed the 30th Nov. 1837, entitled, An act to establish circuit courts, passed Jan. 25, 1836, and for other purposes,

A Bill to amend the Act incorporating the town of Memphis in Shelby county,

A Bill to authorize the clerk and master of the Chancery court at Sommerville to keep a deputy at Memphis,

A Bill for the benefit of sheriffs, and to pay the guard necessary in carrying prisoners to jail,

A Bill to protect honest debtors from oppression,

A Bill to extend the benefits of the act of 1829, ch. 76.

A Bill to regulate and alter the time of holding certain chancery and circuit courts and for other purposes.

A Bill to amend an act granting Jesse Lincoln a turnpike road,

A Bill to consolidate and to provide for but one instead of two separate classes of public schools in Lincoln county,

A Bill to amend the law in relation to the appointment of deputy surveyors south and west of the congressional reservation line,

A Bill to authorize Thomas Neal and Daniel McNabb to enter two quarter sections of land in the Ocoee District,

A Bill to amend an act entitled, An act declaring Ocoee river navigable and,

A Bill to authorize the county court of Blount county to make an allowance to James Glass, former jailer of said county, were severally read a second time and passed.

A Bill making indictable all horse racing where the distance is less than one mile and for other purposes, was read a second time and rejected.

Mr. Reneau asked and obtained leave to withdraw for amendment a Bill to increase the damages to be recovered in suits brought upon inland bills of exchange.

A Bill to prevent frauds in entering and surveying lands previously appropriated, was read a second time, passed and referred to the committee on public lands.

A Bill giving citizens residing in the fractional parts of Marshall county the privilege to file bills and answers in chancery in either the courts at Shelbyville, Fayetteville or Columbia being read, Mr. Laughlin offered an amendment thereto, providing that the citizens of De Kalb county may file bills, sue or be sued at their discretion, in the chancery courts at Carthage or McMinnville, which was accepted.

The said bill was thereupon read as amended a second time and passed.

A Bill to exempt certain persons from military duty.

A Bill to amend an act passed at Nashville in the year 1838, in relation to the internal improvement fund of Davidson county. And

A Bill for the benefit of Hiram Young, were severally read a second time and passed.

On motion of Mr. Aiken the vote rejecting the bill giving to Johnson county the State tax for the years 1840 and '41, to enable the citizens thereof to build a court house and jail, was reconsidered.

The said bill was thereupon taken up and read a second time and passed—ayes 12, noes 10.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jennings, Laughlin, Reneau, Sevier, Smith, Terry, Turney and Speaker Coe—12.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Jones of Lincoln, Love, Marshall, Walton, Warner and Wheeler—10.

And then the Senate adjourned.

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TUESDAY MORNING, Dec. 10, 1839.

Mr. Speaker Coe presented the petition of 155 citizens of Fayette county, remonstrating against a repeal of the tippling law of 1837, which was ordered to be transmitted to the House of Representatives.

Mr. Frey, from the committee of ways and means to whom was referred a bill to amend an act entitled an act to prescribe certain duties to be performed by the clerks of the several courts and for other purposes, passed 15th of February, 1836, reported that the committee have had the some under consideration, think their provisions reasonable, and had directed him to recommend its passage. Whereupon the bill was read a second time and passed:

Mr. Yoakum submitted the following, to wit:

*Resolved, by the General Assembly of the State of Tennessee,* That the Treasurer of this State refund to Robert S. Morris, Clerk of the county court of Rutherford county, the sum of fifteen dollars, the same having been by him wrongfully paid into the Treasury.

And the rule being suspended, it was ordered, on motion of Mr. Yoakum, to be referred (together with a communication from Charles Ready and William Ledbetter, revenue commissioners for the county of Rutherford) to the committee on claims.

Mr. Marshall, from the committee on the judiciary, to whom was referred a bill to authorize the extension of streets, lanes, alleys and margins in towns, in certain cases, reported that the committee have had the same under consideration, think its provisions reasonable, and had instructed him to recommend its passage. Whereupon the said bill was read a second time and passed.

Mr. Marshall, from the same, to whom was referred a bill for the relief of William B. Young & Co. and for other purposes, reported that the committee have had the same under consideration, and had instructed him to report an amendment in lieu of the whole, and to recommend its passage. Whereupon the said bill was read a second time and passed.

Mr. Marshall, from the same, to whom was referred a memorial from sundry citizens of the town of Lewisburg in Marshall county, reported that the memorialists claim for the benefit of the town of Lewisburg the surplus of the proceeds of the sale of lots, after the erection of the public county buildings, and found the claim upon the right of the town to have the proceeds of the sales of property situate within its limits, or upon the fact that the citizens were induced to give higher prices for lots in the town, under the expectation that the surplus proceeds

would be extended for the benefit of the town. It appears, however, that the act of the General Assembly which established the town of Lewisburg and the county of Marshall, provided expressly that the surplus claimed by the memorialists should be paid to the county for county purposes. All the purchasers of the lots may not have known that this direction was at the time of the purchase going by law to the surplus. Still when the propriety of the appropriation to a new county, and the advantages which it may be presumed the purchasers derived by the establishment of the county and the location of the town are considered, it does not follow that the town should have the benefit of the surplus. By the act referred to, a right to the surplus was vested in the county, which has since been perfected by obtaining the possession—and it is probable that the county has either disposed of the same or part of it, or incurred responsibilities on the faith of it;—and it is possible that individuals may by contract be interested in the county's retaining it. For these reasons it would be inexpedient and improper to divest the county of the funds, at least without the consent of the justices who represent the interests of the county. This assent the parties were authorized to give by the act of 1837, but they have refused to give it. The committee are therefore of opinion that the prayer in the memorial ought not to be granted, and ask to be discharged from the further consideration thereof.

The said report was concurred with.

Mr. Turney, from the committee on new counties and county lines, to whom was referred a bill to establish the county of Van Buren, reported that the committee have had the same under consideration, and had instructed him to report an amendment thereto in lieu of the whole from the enacting clause.

The said report was concurred with, the bill read as amended a second time and passed.

Mr. Jones of Lincoln introduced

A Bill to amend the militia laws of this State, and

Mr. Hardwicke introduced

A Bill for the relief of the citizens of Benton county, which were severally read a first time and passed.

A Bill for the relief of James Spencer, a citizen of Meigs county, in the Ocoee district, was read a third time and passed—ayes 19, noes 1.

The ayes and noes being required by the Constitution, those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Love, Marshall, Reneau, Sevier, Smith, Terry, Turney, Walton, Warner, Yoakum and Speaker Coe—19.

Mr. Balch voting in the negative—1.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A Bill for the relief of John H. Johnson was read a third time and passed—ayes 19, noes 3.

The ayes and noes being demanded by the Constitution, those who voted in the affirmative were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Love, Marshall, Reneau, Sevier, Smith, Terry, Turney, Walton, Wheeler, Yoakum and Speaker Coe—19.

The negative voters were

Messrs. Balch, Jones of Hickman and Warner—3.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A message from the House of Representatives by Mr. Crockett their Clerk.

Mr. Speaker: The Speaker of the House of Representatives did this day sign an enrolled act to provide for the payment of twenty-five dollars to Holman and Hollingsworth, for services rendered the State.

An act to incorporate the inhabitants of Ashport, in Lauderdale county,

An act giving further time to former Sheriffs to collect arrearages of taxes,

An act to exempt persons disabled by sickness or other causes from working on public roads, and

An enrolled resolution directory to the Register of the Western District, were severally signed by the Speaker of the Senate and ordered to be transmitted to the office of the Secretary of State.

Mr. Brown returned, with several amendments thereto, which were adopted, a bill to incorporate a turnpike road from Perryville to Lexington. The said bill was read a third time as amended and passed.

A bill to explain and extend the provisions of the act of 1794, ch. 1, sec. 32, concerning witnesses. The caption thereof being amended, on motion of Mr. Laughlin, was read a third time and passed—ayes 17, noes 5.

The ayes and noes being required, the affirmative voters were,

Messrs. Aiken, Ashe, Brown, Frey, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Turney, Walton, Wheeler and Speaker Coe—17.

The negative voters were

Messrs. Anderson, Balch, Terry, Warner and Yoakum—5.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

The Senate proceeded to the consideration of the bill to repeal all laws authorizing the Governor to subscribe for stock on behalf of the State in any Internal Improvement company, and for other purposes.

Mr. Wheeler moved to strike therefrom the 6th section thereof.

Mr. Gillespy offered an amendment in lieu of the whole from the enacting clause.

The Speaker decided Mr. Wheeler's motion to be first in order.

And thereupon the question was had and determined in the affirmative—ayes 13, noes 10. The ayes and noes being demanded the affirmative voters were

Messrs. Aiken, Ashe, Balch, Brown, Frey, Jennings, Reneau, Sevier, Smith, Terry, Turney, Walton and Wheeler—13.

The negative voters were

Messrs. Anderson, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Warner, Yoakum and Speaker Coe—10.

And so said motion prevailed.

Mr. Ashe moved to amend the amendment of Mr. Gillespy by providing that the benefits mentioned in the 7th and 8th sections of the bill should be extended to the Big Hatchie Turnpike Company, the Ashport Turnpike Company and the Forked Deer Turnpike Company.

Mr. Smith moved further to amend by extending the same benefits to the Columbia Central Turnpike Company, both of which were accepted.

Mr. Turney offered the following as an amendment to the 8th section of the amendment offered by Mr. Gillespy, to wit:

And that ninety thousand dollars be distributed to Middle Tennessee as provided by an act passed by the General Assembly of Tennessee at the session of 1837–8.

And thereupon the question was had and determined in the affirmative—ayes 19, noes 5. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Love, Reneau, Sevier, Smith Terry, Turney Walton, Warner and Yoakum—19.

Those who voted in the negative were

Messrs. Balch, Jones of Hickman, Marshall, Wheeler and Speaker Coe—5.

And so said amendment was accepted, and

Then the Senate adjourned.

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WEDNESDAY MORNING, Dec. 11, 1839.

Mr. Jennings introduced

A Bill to incorporate the Nashville and White's Creek Springs Turnpike Company accompanied with a petition of sundry citizens of Davidson county on that subject.

The said bill was read a first time and passed.

Mr. Warner from the committee on claims, to whom was referred a bill making an appropriation of money to Richard G. Scoggin, reported that the committee have had the same under consideration, think its provisions reasonable, and had instructed him to recommend its passage.

Whereupon the said bill was read a second time and passed.

Mr. Warner from the same, to whom was referred a resolution to refund money to Robert S. Morris clerk of Rutherford county court, reported that the committee have had the same under consideration, think it reasonable, and had instructed him to report,

A Bill for the relief of Robert S. Morris, clerk of the county court of Rutherford county, which was read a first time and passed.

Mr. Warner from the same, to whom was referred a Bill to refund to John B. Rogers certain monies paid by him for the use of the State,

reported that the committee have had the same under consideration, think it unreasonable, and had instructed him to recommend its rejection. The said report was concurred with and the said bill rejected.

Mr. Jennings introduced

A Bill to re-appoint Dr. Gerard Troost to the office of Geologist, Mineralogist and Assayer of the State of Tennessee. And

A Bill making compensation to John C. McLemore for certain valuable record books, both of which were severally read a first time and passed. The latter of which, was on motion of Mr. Marshall referred to the committee on public lands.

A Bill from the House of Representatives to charter the Tazewell and Sevierville Turnpike Company, was read a first time and passed.

Mr. Yoakum presented the following correspondence between himself and R. H. M'Ewen, Superintendent of Public Instruction, to wit:

SENATE CHAMBER, Dec. 10, 1839.

Col. R. H. M'Ewen, Sup't. &c.

Sir:—I have received a letter from the Secretary of the Nashville, Murfreesboro' and Shelbyville Turnpike Company, informing me that in April 1837, the board paid over to you $3000; (three thousand dollars, as interest on the school fund vested in said road.

As I have not seen this item on your books, I desire you will inform me whether you have charged the same to yourself.

Your ob't. ser't,

H. YOAKUM.

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NASHVILLE, Dec. 11, 1839.

Hon. H. Yoakum,

Sir:—In answer to your enquiry of yesterday, I reply that the Secretary of the Nashville, Murfree boro' and Shelbyville Turnpike Company, in the month of April 1837, (the particular day will appear in the books of the company) paid to me three thousand dollars being part of the interest then due upon the school fund of Davidson, Rutherford and Bedford counties, advanced to that company under the act of 1831, ch. 46.

A very short time, perhaps in one hour after the money had been paid me, the then Secretary of the company, James H. Foster, Esq. came to me and said he had paid me the money by mistake, as it was claimed by the counties out of whose school fund it had arisen, and requested me to place it again in his hands. I replied to him in substance, that I thought it constituted a part of the perpetual school fund; but as it was claimed by the counties as their exclusive property, I shall not mingle it with the perpetual fund, but hold it till the question could be judicially or otherwise determined to which of the claimants it belonged. It has accordingly never been carried into my books, but stands charged to me on the books of the company. To which of the claimants it does belong is regarded by those qualified to judge as matter of much doubt. With due respect,

ROBERT H. M'EWEN, Sup't. &c.

On motion of Mr. Laughlin it was

*Ordered*, That the foregoing correspondence be referred to the committee on education and common schools; and that said committee have power to send for persons and papers, and examine testimony on oath, and to report by bill or otherwise, what measures may be proper to take, in order to compel the collection, disbursement and investment of the sum of money and interest due thereon, mentioned in said correspondence, and to whom it belongs.

The Senate resumed the consideration of the bill to repeal all laws authorizing the Governor to subscribe for stock on behalf of the State in any internal improvement company and for other purposes.

The amendment offered by Mr. Gillespy on yesterday in lieu of the whole, being under consideration, Mr. Gillespy moved further to amend by adding the following to his said amendment, to wit:

Provided that the Governor in issuing said sterling bonds, is to estimate the pound sterling at four dollars and eighty-six cents. And provided further,

That the same lien is hereby given to the State upon the private property of the stockholders in the Memphis and Lagrange rail road company, upon acceptance of the amendments proposed in this act, that is given by the internal improvement laws of 1837 and '38 upon the private property of stockholders in other roads, which amendment was accepted to the said amendment.

And then the Senate adjourned.

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THURSDAY MORNING, Dec. 12, 1839.

Mr. Yoakum from the committee on education and common schools, to whom was referred a Bill to prevent the waste of the common school monies, reported that the committee have had the same under consideration, and had instructed him to report an amendment to the caption thereof so as to read

A Bill to regulate the receipt and disbursement of the common school monies, and with the amendment to recommend its passage. The said amendment was received, the bill read as amended a second time and passed.

Mr. Yoakum from the same, to whom was referred a Bill to give to Jackson College the Academy fund of Maury county and for other purposes, reported that the committee have had the same under consideration, and had instructed him to recommend its passage.

On motion of Mr. Smith the said bill and report were ordered to the table.

Mr. Yoakum from the same, to whom was referred the petitions of sundry citizens of Monroe county, praying provision by law to secure them the benefits of the school section they claim in said county, reported that the committee have had the same under consideration, and had instructed him to ask to be discharged from its further consideration. The said request was granted.

Mr. Turney returned with an amendment in lieu of the whole, a

Bill to locate permanently the seat of justice in Hamilton county.—The said amendment was accepted. The bill read a third time and passed—ayes 22.

The ayes and noes being demanded the affirmative voters were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Frey, Gillespy, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—22.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Gillespy submitted the following:

*Resolved*, That at 9 o'clock each morning the Speaker of the Senate take his seat and order a call of the roll of the Senate, and that the names of the absentees be entered upon the journal of the Senate.

And the rule being suspended, Mr. Yoakum moved to amend by providing that the Speaker should take the chair at 9½ instead of 9 o'clock in the morning, which motion prevailed.

Mr. Yoakum moved the following further amendment, to wit:

And that the Senate will hereafter hold night sessions—meeting at 9½ o'clock, p. m.

Mr. Brown moved to amend Mr. Yoakum's amendment by adding the words, "and shall continue in session until half past 12 o'clock."

And thereupon the question was had, and determined in the negative—ayes 10, noes 11. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Gillespy, Jennings, Laughlin, Sevier, Terry and Turney—10.

Those who voted in the negative were,

Messrs. Aiken, Jones of Hickman, Jones of Lincoln, Love, Marshall, Smith, Walton, Warner, Wheeler, Yoakum and Speaker Coe—11.

And so said amendment was rejected.

Mr. Jones of Hickman thereupon offered the following in lieu of Mr. Yoakum's amendment, to wit:

And sit until one o'clock, meet again at two o'clock and sit until sun down.

Mr. Wheeler moved to lay the resolution and amendments on the table.

And thereupon the question was had and determined in the affirmative—ayes 14, noes 9. The yeas and nays being required, those who voted in the affirmative were

Messrs. Aiken, Ashe, Brown, Frey, Jones of Lincoln, Love, Reneau, Sevier, Smith, Turney, Warner, Walton, Wheeler and Speaker Coe—14.

Those who voted in the negative were

Messrs. Anderson, Balch, Gillespy, Jennings, Jones of Hickman, Laughlin, Marshall, Terry and Yoakum—9.

And so said resolution and amendments were ordered to the table.

Mr. Jones of Hickman asked and obtained leave to withdraw for amendment, a Bill to protect the owners of mills in their just rights.

A message from the House of Representatives by Mr. Crockett, their clerk.

Mr. Speaker: The Speaker of the House of Representatives did this day sign an enrolled act entitled, An act to incorporate the trustees of the Ashland Academy in Wayne county and for other purposes.

And then he withdrew. Whereupon the Speaker of the Senate signed the said enrolled act, and ordered it to be deposited the office of the Secretary of State.

The Senate resumed the consideration of a bill to repeal all laws authorizing the Governor to subscribe for stock on behalf of the State in any internal improvement companies, and for other purposes.

Mr. Smith offered an amendment in lieu of the 1st, 2d, 3d, 4th, 5th, and 6th sections of Mr. Gillespy's amendment.

Mr. Laughlin moved to print 50 copies of Mr. Smith's amendment, and so much of Mr. Gillespy's as the said amendment proposes to retain.

On motion of Mr. Smith, the said bill, amendments and motion were ordered to the table.

On motion of Mr. Smith, the resolution from the House of Representatives, requiring the Bank of Tennessee and its branches to suspend the payment over to the Superintendent of Public Instruction of this State, or to his orders or checks any money or monies belonging to the common school fund of this State, which may have been or may be deposited under the laws of this State to his credit in said bank or its branches, and that said monies be retained by the bank and its branches until otherwise directed by law, or until the rise of the present General Assembly, was taken up and read.

Mr. Yoakum moved to lay the said resolution on the table, which motion prevailed.

The Senate again resumed the consideration of the bill to repeal all laws authorizing the Governor to subscribe for stock on behalf of the State in any internal improvement companies and for other purposes, together with the several amendments thereto and motions thereon.

Mr. Laughlin amended his motion by moving that fifty copies of the amendment offered by Mr. Gillespy, and fifty copies of the amendment offered by Mr. Smith be printed for the use of the Senate.

And thereupon the question was had and determined in the affirmative—ayes 12, noes 11. The ayes and noes being demanded, the affirmative voters were

Messrs. Aiken, Ashe, Brown, Frey, Gillespy, Jennings, Laughlin, Love, Reneau, Smith, Turney and Speaker Coe—12.

The negative voters were

Messrs. Anderson, Balch, Jones of Hickman, Jones of Lincoln, Marshall, Sevier, Terry, Walton, Warner, Wheeler and Yoakum—11.

And so said motion prevailed.

Mr. Reneau thereupon offered an amendment to the 8th section of the said amendment of Mr. Gillespy's providing that the benefits extended to the Louisville, Cincinnati and Charleston rail road company should be extended to all other internal improvement companies in this

State, in which the Governor has subscribed for stock on behalf of the State. Which amendment was accepted.

On motion of Mr. Smith, the bill and amendments were ordered to the table.

A Bill from the House of Representatives to locate additional branches of the Planters Bank of the State of Tennessee, was read a first time and passed.

A Bill making an appropriation of money to Richard G. Scoggins, was read a third time and passed—ayes 18, noes 5.

The ayes and noes being demanded the affirmative voters were

Messrs. Anderson, Ashe, Brown, Frey, Gillespy, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Smith, Terry, Turney, Walton, Warner, Yoakum and Speaker Coe—18.

Those who voted in the negative were

Messrs. Aiken, Balch, Jennings, Sevier and Wheeler—5.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A Bill to preserve the purity of elections being taken up and read, Mr. Wheeler offered the following as an amendment thereto, to wit:

Provided nothing in this act contained shall be so construed as to prevent any man from voting who is constitutionally eligible.

And the sense of the Senate being thereon had, the said amendment was rejected.

Mr. Jones of Hickman moved to amend the 8th section of said bill by striking therefrom the words, "are you twenty-one years of age, do you reside in the county of and have you resided in said county six months next preceding or next before this day or the day of this election," and insert the following:

"Do you believe yourself to be twenty-one years of age, has your home or place of residence been in this county for the last six months."

And the sense of the Senate being thereon had, the said proposition was rejected.

Mr. Yoakum thereupon offered the following additional section as an amendment to said bill, to wit:

*Be it enacted*, That no return of any returning officer shall be rejected for want of form by the sheriff or other officer, whose duty it may be to compare the polls—but the same shall be received and counted as though it had been in the proper form. During the pendency of which,

The Senate adjourned.

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FRIDAY MORNING, Dec. 13, 1839.

Mr. Anderson presented the petition of 200 citizens, qualified voters, of Wilson county, praying a modification of so much of the tippling act of 1837, as prevents the retail of ardent spirits manufactured in this State. Which was ordered, on motion of Mr. Anderson, to be transmitted to the House of Representatives.

Mr. Jones of Lincoln presented the following Fifth Report of Doctor Gerard Troost, Geologist, Mineralogist and Assayer of the State, to wit:

*To the General Assembly of the State of Tennessee:*

In obedience to the third section of the act passed by the last General Assembly to continue me in the office of Geologist, Mineralogist and Assayer for the State of Ten. I have the honor to report that since my last communication to the Legislature, I have traversed the State in various directions and have analyzed a large number of minerals, mineral waters, soils and other materials, which though not belonging properly to the department of the Geologist, were deemed necessary to be known as constituting sources of our national wealth, the results of all which, I now beg leave to lay before your honorable body.

Before I proceed, however, with these details, it will perhaps not be improper, to give a general view of the geology of the whole State; this has been as yet omitted in my former reports, because I had not when they were drawn up ascertained the precise limits of the different geological groups of rocks of which the State of Tenn. is composed.

The country westwardly of the Appalachian mountains—a ramification of which separates our State from North Carolina, while several spurs of it cross the State, and are known by the name of the Cumberland mountains (1)—is separated from the crystalline primordial rocks by the highest part of this mountain chain; the junction of these two formations is not exactly marked by the State line. In Carter county the primordial rocks are found ten or twelve miles west of the line; the whole of Roane mountain is composed of granit rocks. The primordial mountains then diminish, and about the head waters of Indian creek are no more to be seen in that part of Tennessee. The State line then runs over the grauwacke formation or group, till near Wolf creek in Cocke county, where the primordial rocks again enter Tennessee. The high ridge of the great Smoky mountain is granitic till about the entrance of Tennessee river into Monroe county, where the grauwacke group again makes its appearance, continuing along the Unaka mountains to M'Minn county. Here again the primordial rocks enter the State, and continue on to Amoee river, where they are replaced again by the grauwacke group. Thus we see that our State line is not exactly the dividing line between the crystalline, or primordial rocks as they are generally called, and those that contain organic remains. These latter rocks extend to the western side of the Mississippi river where the crystalline rocks again make their appearance in

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(1) The Cumberland mountain is a subordinate range of the great Appalachian mountains, running nearly parallel with the high ridge of that system, which separates the State of Tennessee from North Carolina, and is composed in Tennessee of Walden's ridge, Clinch mountain, Stone mountain, Cumberland mountains, Crab Orchard mountain and several minor ramifications, which partly terminate in this State, and partly in North Carolina, and belong all to the same geognostic system.

Missouri State. Our researches have also extended in a southern direction from Nashville; on this route we have found, as appears from my former reports, these rocks to be covered by more recent strata, similar to the cretaceous group or green sand of the Europeans.—These towards the South, in the State of Mississippi, are covered with a still more recent formation, in which, the fossils characterising the supercretaceous or tertiary formation are found. Towards the east of the high ridge of the Appalachian chain, the primordial rocks generally prevail. This high ridge which separates these formations and which contains in its limits the highest mountains of the United States, is sometimes composed of granite and gneiss, as Roane mountain; sometimes of a granite, which contains tale and chlorite or protogene; sometimes of a talcose rock containing actynolite. It contains also some veins of magnetic oxide of iron, as the Cranberry ore in Carter county, which is associated with *Pyroxene Sahlite*, as in some of the Swedish iron ore—or is not associated with any other mineral, as in Cocke county.

If we draw a line from a certain point of this range, for instance, from one of its elevated parts which is near the Warm Springs, (where French Broad river has cut its way through the mountains in a westerly direction) running along by Sevierville, Knoxville, Kingston, Crab Orchard, Sparta and Nashville;—from this city along by Charlotte, Brown's Port, Lexington, Brownsville, Covington and Randolph—and returning again to Nashville, draw a line thence in a northwest direction, along by Clarksville, Eddyville, Ky., thence across the Ohio and Mississippi rivers as far as St. Michael or Fredericktown in Missouri, where the St. Francis takes its origin, and where the crystalline rocks again make their appearance, we shall pass over successive formations in the following order:

The country lying between the Great Smoky mountains and the Cumberland mountains, or East Tennessee, is for the most part composed of strata of grauwacke, sandstone and limestone, alternating with each other, and in which organic remains are rarely found (1;) these strata are highly inclined, approaching in some places towards the vertical, dipping more or less towards southeast and running nearly parallel with the Smoky mountain ridge; they are covered in several places by horizontal strata of limestone of a dark gray, approaching to a black color, and having a granular structure. It is in some places characterized by *Maclurites*, Le Sueur, *Conotubularia*, Nobis, *Isotellus*, Dekay, and several species of *Calamopora*, Goldf.

The grauwacke, (2) and its coeval strata mentioned above, are cov-

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(1) Such is the case at least with the lower strata, namely, those which are situated nearest the primordial rocks, which, as mentioned above, are found on the higher parts of the ridge which separates North Carolina from Tennessee. The superior strata of this limestone, which are found northwest of the Holston river are full of organic remains, amongst which the *Maclurites* are the most numerous.

(2) *Grauwacke.* This singular name, adopted by the German and

ered towards the Cumberland mountains by horizontal strata of limestone, which has often an *oolitic* structure, and which we will call *oolitic limestone*, to distinguish it from what the English Geologists call *oolite* or *oolitic formation*, which is a series of rocks of which the *oolite* is one of the members, forming a more recent group than the one to which our *oolitic limestone* belongs, and which is characterized by its peculiar organic remains. (1) This *oolitic limestone* forms the basis of the Cum-

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English Geologists, originated amongst the German miners. Its etymology is unknown, and it has remained in use, with some other insignificant denominations, to obviate confusion in the already perplexed nomenclature of rocks and formations. It included, in its most extensive acceptation, all the conglomerates, sandstones, puddingstones and fragmentary rocks of the transition formation, that is, of rocks anterior to the formation of the red sandstone and coal measures, (Humboldt.) It is the Psammite and Mymophyre (in part) of Brongniart, and Traumate of D'Aubuisson. It is composed of angular or rounded grains, fragments and pebbles of unequal size, from very minute to the size of half a cubic foot and more, of quartz, slate, siliceous slate, mica slate, porphyry, granite and limestone, firmly connected together by a slaty cement more or less penetrated by silex. Several varieties of this rock compose the greatest part of the mountainous part of East Tennessee—sometime forming a real sandstone, sometimes the slaty part predominating, when it forms the slaty grauwacke, and presents then several shades of color, reddish, gray and greenish. This grauwacke is in some places replaced by the clay slate, which furnishes some good roofing slate, as in Sevier county. The grauwacke alternates here and there with strata of silex or quartz rock, and limestone.

This grauwacke, in several countries, is rich in minerals; the rich silver and lead mines of the Hartz, those of Leadhills and of Wanlockhead, the mines of Vorespotack in Transylvania, of Brittany in France, and of Guanaxuato and Zacatecas in Mexico are all in the same rock.

In Europe, according to Goldfuss, the grauwacke, and the grauwacke limestone contain numerous organic remains, this is not the case in East Tennessee. I never discovered any in the grauwacke, nor in the limestone which alternates with it, and which is there always highly inclined, approaching to the vertical; but in proportion as we deviate from the primordial rocks the strata of grauwacke become less numerous and those of the limestone increase, become less inclined, and soon approach to the horizontal position; it is then that the organic remains begin to make their appearance, and sometimes compose the whole of the limestone rock, and form the beautiful marbles which are wrought in that part of Tennessee.

(1) The *oolite* or *oolitic formation* I have not found in the western parts of the United States, though the *oolitic limestone* is found in several places. I found it forming a stratum extending perhaps forty miles from west to east on the western slope of the Cumberland mountain of more than two hundred feet in thickness. I have traced it from Monte Sano in North Alabama, which must be considered as the most

berland mountains and is abundant towards the west of them. This oolitic limestone is also perceptible in the valleys where the lower strata of that mountain chain come to light, as in the Sequatchee Valley, where I discovered the same inclined strata of East Tennessee covered by the oolitic limestone. This limestone lies under the strata of coal, shale and sandstone, the two latter being characterized by the vegetable remains peculiar to the coal formation, and composing nearly the whole of the upper part of the Cumberland mountains.

At the Crab Orchard the oolitic limestone again comes to light from under the sandstone of the coal formation, and continues only a short distance westward. Between Sparta and the Crab Orchard it is covered by a stratum of sandstone, the same as is found on the eastern slope of the mountain where it covers the coal strata.

Near Sparta we descend from the oolitic limestone and come to a kind of limestone which forms the low levels of the whole of Middle Tennessee. This limestone, according to my observations, made in the Sequatchee Valley, lies immediately upon the inclined strata of E. Tennessee; and when this limestone is wanting, they are covered with the oolitic limestone, as already mentioned. This series, which is composed of various strata, characterised by different organic remains, is usually of a gray color, approaching here and there to black, has a granular structnre, and contains *Calampora*, *Orthoceratiites*, *Conotubularia*, *Strophomenes*, *Productus*, *Isotellus*, and other *Trilobites*, and such fossils as are considered as characterizing the upper transition, or mountain limestone of the English geologists. This limestone continues for

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southern extremity of the Cumberland mountains on this side the Tennessee river. I have also traced it to Georgia, forming the basis of the Rackoon and Lookout mountains, continuations of Walden's ridge, every where characterized by *Pentremites*, and a singular, and as yet, undetermined fossil. Running from Monte Sano in a northeast direction, it passes through the whole State of Tennessee, and is invariably found beneath the coal strata. The *pentremites*, a fossil which is very rare in Europe, characterize this rock every where in this country, but in particular places other fossils are found in it. I find it, for instance, west of Monroe county, as far as Obed's river, characterized by *Stylina*. This fossil characterizes that rock, also at Mount Fletcher in North Alabama. Near Eddyville, Ky., it is characterized by *Stylina*, *Syringopora*, *Bellerophon hiulcus* and *Encrenites*. In Missouri, towards the south of Maramec river, the same rock is found, and is there also characterized by several species of *Stylina* and *Syringopora*. These fossils, viz: Stylina, Syringopora and Bellerophon, are always silicious, the Pentremites sometimes silicious, sometimes calcareous, while the above mentioned undetermined Mount Sano fossil is calcareous. All these fossils are by the European Geologists considered as characterizing the transition or grauwacke group. The same oolitic limestone is found in some places near the Ohio river as in Gallatin county, Illinois, but I do not know whether it there contains any organic remains.

more than two hundred miles towards the west, and is covered here and there with strata of shale, or aluminous slate, sometimes penetrated with bitumen (often mistaken for coal) and in which I never found any organic remains, and with a stratum of a peculiar sandstone, which has an earthy aspect, passing sometimes into hornstone or chert, and is characterised by *Gorgonia antiqua* (Goldf.) and an undetermined *Flustra*. About six miles west from Nashville it is covered with the above mentioned shale, upon which follows a stratum of Encrinital limestone, and the already mentioned sandstone, forming the Harpeth Ridge. (This stratification is more fully described in another part of this Report.) The same stratification composes all the high lands west of Sparta, and continues nearly uninterrupted, except where it is cut through by currents, from the Harpeth to beyond Tennessee river. It is in this sandstone, which as I have already mentioned, passes sometimes into chert or hornstone, that the rich deposites of iron ore (hydroxide of iron) are found, which supplies the numerous furnaces of Dickson, Stewart, Hickman and Perry counties. Tennessee river has cut its way through all these upper strata till it has reached in some parts the limestone strata of the vicinity of Nashville, while the edges of the strata are visible on both sides of the river. (1) They are entirely lost at no great distance west of Tennessee river. Indeed about ten miles west of it, in Perry county, a more recent formation

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(1) No place can be more interesting for the study of the stratification than where the edges of these various strata are exposed to the decomposing influences of the air and water. Among the detritus of these strata, and its water worn fragments, I found a large number of very interesting organic remains, most of them similar to those that occur in Eifel, near the Rhine in Europe, which place furnished a great part of the palaeontological stores from which Dr. Goldfuss composed his excellent work on petrifactions.

There is no doubt that these strata, which are particularly visible near the Tennessee river, in Perry county, are posterior to the grauwacke group (as will be seen in the detailed geological description of that part of the State,) they form the upper part of the stratification which composes Middle Tennessee, and are anterior not only to the coal measures, but also to the silicious strata which form the Harpeth ridge and other high lands; they are therefore intermediate between the grauwacke and the coal measures; they are separated by a great number of strata from the grauwacke; nevertheless the fossils which are found in them are very similar to those described by Dr. Goldfuss as occurring at Eifel in the grauwacke group. To make this more evident, we will enumerate only a few organic remains which are put down by De la Beche in his 'Manual,' as occurring in the grauwacke group, and which are found, in the interior of America, in the superior strata of a series which seem in other respects equivalent to the upper transition of the Continental Europeans, and mountain limestone of the English geologists.

covers them, which is composed of marl (1) and ferruginous sandstone the former being characterized by Gryphæ, Ostreæ, and other organic remains which characterize some strata of the cretaceous group (green sand,) and which are mostly identical with those that are found in New Jersey in similar strata. This series, covered with strata of clay, lignite, and a diluvial deposite, continues to the Mississippi river, where, near Randolph, at the elevation known by the name of the Chickasaw Bluff, a similar stratification is visible. Travelling southward, this cretaceous formation continues perhaps till near Walnut Hill, where, near Vicksburg, Miss. a more recent formation makes its appearance, abounding in Dentalia, Arca, and other fossils characterizing the supercre-

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Cyathophillum ceratites, Bensberg, Eifel, Goldf.
——————— secundum, Eifel, Goldf.
——————— helianthoides, Eifel, Goldf.
Astrea porosa, Eifel, Bensberg, Goldf.
} On the glades in Perry county, Tenn.

Catenipora escaroides, Lam. Eifel, Norway (Goldf.) Ratosta (Fischer,) Perry co. Tenn. Eddyville, Ky., oolitic limestone.
——————— labyrinthica.
Calamopora favosa—in the glades of Perry co. Tenn.
——————— gothlandica, Eifel, Goldf.
——————— basaltica, Eifel, Gothland, Goldf.
——————— alveolaris, Eifel, Goldf.
——————— spongites, " Bensberg, Swed. Go.
} On the glades in Perry county, Ten.

Aulopora serpens, Eifel, Goldf. Christiana, Brong, do do

These zoophytes, as I mentioned above, are only a few of those that I found in the American strata; they are associated with several genera of Radiata, amongst which the Asterias occurs; Conchifera and a few Mollusca also, among the latter I found a Natica, and a few genera of Trilobites. This zoological difference between the American superior transition and that observed in Europe, is certainly remarkable. The grauwack group, which in Europpe, as appears from the above list, is rich in fossils, is destitute, or at least poor in organic remains in E. Ten. while we find those characterizing that formationin a more recent series.

(1) This marl, which is also found in several places in the States of Alabama and Mississippi, and is generally known by the name of rotten limestone, has an earthy appearance, interspersed with minute particles of mica, and grains of green sand, sometimes so small as to be perceptible only by the aid of the magnifying glass. It is soft, and when exposed to the atmospheric influence disintegrates, crumbles to dust, and forms a more or less plastic paste with water. Its contents are—

| | |
|---|---|
| Carbonate of lime, - - - - - - | 51 |
| Earthy matter, insoluble in acid, composed of green sand and particles of white silvery mica, - - - - - | 34 |
| Carbonaceous matter, - - - - - | 2 |
| Alumina, water, and loss, - - - - - | 13 |
| | —100 |

The places where it crops out, and where it is not sufficiently mixed

taceous group. As I am but slightly acquainted with that State, I shall not draw the line beyond the limits of Tennessee in that direction.

If we now return again to Nashville, and draw a line from that place towards the north, we will find a continuation of the strata of Middle Tennessee for a great distance. From Nashville to Clarksville we have the same stratification as in Davidson county, (see my 1st and 2d reports.) No important alteration takes place till at Eddyville, Kentucky—the limestone is oolitic and is characterized by *Stylina*, *Syringopora* and *Bellerophon hiulcus*, the last of a large size (between five and six inches.) I am not well acquainted with the country from that place to the Ohio and Mississippi rivers, all that I have seen of it is covered with deep alluvium. More eastwardly in Gallatin county, Illinois, the colitic limestone exists, and near Smithland, at the mouth of Cumberland river, we have again strata similar to those of Middle Tennessee, which strata continue when we cross the Mississippi river above the Tyawappita bottom. An extensive range of the oolitic limestone is found towards the north of that bottom, which, near Maramec river, in Jefferson county, abounds in *Stylina* and *Syringopora*, similar to those of Eddyville. But travelling from Commerstown, at the head of Tyawappita bottom, in a north west course through Cape Girardeau and Madison counties, we have again rocks similar to Middle Tennessee as far as the high grounds in Madison county near the village of St. Michael, or, as it is at present called, Fredericktown, where the St. Francis river takes its origin. The rocks at that place, as well as those of Washington county, in the same State, are generally sienitic, (1) which at several places passes into the most beautiful red porphyry, which formation begins near the lead mines known by the name of *Mine la Motte.*

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with soil, are remarkable for sterility, and are called glades; but when properly mixed with soil it is very beneficial to agriculture. Of this fact the farmers in Pennsylvania are well convinced, and hundreds of loads are taken from New Jersey, where similar marl exists, to improve their farms. The same is the case with the farmers of Maryland, who send at great expense to the Eastern Shore for that substance. We have inexhaustible quantities of it in the Western District, but are yet too rich to husband properly our ground. (For more information on marl, see my 3d Geological Report to the 21st General Assembly, in October, 1835.)

(1) This sienitic is generally composed of reddish felspar, small particles of greenish black hornblende (amphibole,) and quartz. The felspar being most abundant, and some parts assuming a beautiful red color, (approaching to bright blood red,) forms a splendid ornamental rock; it passes into a magnificent porphyry, equal, if not superior in beauty to the fine Swedish porphyry. This sienitic contains small veins of magnetic iron ore, and in its vicinity are found large deposites of this ore. In Washington, the adjoining county, the famous Iron Mountain is found. Extensive tracts of trappean rocks occur there at many places, which must be considered as subordinate to the sienitic

In order to make these geological views of the whole State of Tennessee more intelligible, I have given a map, on which all the formations are marked by different colors, and a section of the strata in the directions mentioned above.

From these preliminary remarks, it will be perceived that the strata in the vicinity of Nashville, and those prevailing through Middle Tennessee, belong to an old group of rocks, which the English geologists call carbonaceous limestone or mountain limestone and old red sandstone, while the continental Europeans consider it as the upper part of the transition. They do not nevertheless, coincide exactly (judging from the imbedded organic remains) with those observed in Europe; for in the same stratum in which some of the different genera of *Trilobites* occur, I found the *Asterias* (*A. antiqua*, nobis) (1) which is found according to Defrance in the supercretaceous strata, and according to Alberti in the Muschelkalk.

Another proof that the rocks of Middle Tennessee, and in fact of the central part North America, differ from those observed on the old continent, is the peculiarity of the stratum of sandstone which sometimes covers a stratum of limestone, often entirely composed of fragments of *Encrenites*, and where this limestone is wanting, a slaty clay or aluminious slate, of which I have spoken in the report on Davidson county takes its place. This sandstone has sometimes an earthy aspect, and resembles the *tripoli* of Europe; in fact some part of this sandstone is entirely made up of species of *Gorgonia*, particularly the

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and porphyry. That this trap is posterior to the formation of the sienitic and porphyry can be seen at several places, and it is displayed no where more interestingly than in the vicinity of *Mine la Motte*, in Madison county. The sienitic in that place is rent asunder, and the crevice, which is from two to four feet wide, is filled up with basaltic matter. We can yet see how the rock was formerly connected together—as, where we find on one side an indentation, we find on the other side a corresponding projection, at other places the fragments which have been torn from the mass are found enclosed in the bassaltic matter which fills the rent. This sienitic formation is covered at that place with a stratum of grey silicious sandstone. The time which I could spend there was too short to enable me to examine properly this spot, so interesting for the geological knowledge of this sienitic, and its subordinate trap.

(1) I found this *Asterias*, resembling more or less those living at present on our coast, in the limestone near Big Harpeth river in Davidson county, Tennessee. It is associated in this limestone with Ceriopora Goldf. Calamopora Goldf. Spirifer and Terebratula. This stratum is the lowest which is visible in that section of country, and is the same as those in the vicinity of Nashville, where it contains Orthoceratites, and Isotellus, and where it rests on the strata which contains Conotubularia, nobis, and consequently belongs to the upper transition series. My description of the A. antiqua was published in the "Transactions of the Geological Society of Pennsylvania," vol. 2, page 232,

*G. antiqua* Goldf. *Retepora* and *Flustra;* it contains also, but very rarely, *Terebratula.* This sandstone, which deviates very much from any I have seen or of which I have read, was described in my first report.

Neither do these strata belong to the true grauwacke series; part of our State exhibits grauwacke alternating with limestone, containing most of the usual accidental intermixtures, and having a stratification approaching to the vertical. This is the formation which composes the country between the Smoky, Unaka and Cumberland mountains. This grauwacke group, which is here and there covered with horizontal strata, equivalent to those of Middle Tennessee, (except that, besides the usual fossils found there, they contain also, the *Maclurites gigas,* in some places the rock being characterized by it, while it is of very rare occurrence in the limestone of Middle Tennessee,) is lost under the eastern slope of Walden's ridge, and may in some places in the Sequatchee Valley, be seen covered with the strata of Middle Tennessee.

In the present, as yet, infant State of Tennessee, the greatest part of it being yet covered with forest, no strata of any consequence having been penetrated to quarry the rocks for building stone, it is difficult to study properly its formations and their characteristic fossils. We have no important excavations in which the stratifications can be observed, and petrifications obtained. Our ravines, slopes of mountains and banks of rivers are covered with forest trees. The fossils, which we can now collect, are those which have come to light by the disintegration of the rocks, occasioned by long exposure to the action of water and air, by which, when they are of a calcareous nature, they are often mutilated, and cannot be recognized. This nevertheless is not always the case, for unlike the organic substances of other countries, those which we find in our old strata, are often of a silicious nature, and have therefore been able to withstand the decomposing effect of the above named agents, which would not have been the case if they had been composed of carbonate of lime.

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1835. This fact seems not yet to be known in Europe; for the Rev. W. Buckland, in his valuable work on geology and mineralogy (one of the Bridgwater treatises) says, vol. 2, page 313, American edition.—"No fossil Stelleridans have yet been noticed in strata more ancient than the Muschelkalk." Now, not only have I found the Asterias antiqua in limestone, which is separated from the muschelkalk by

Millstone grit and shale,
Coal measures,
Exeter red conglomerate,
Zechstein,
Gypseous red sandstone,

but I have found several other Stelleridans, belonging to other genera, in limestone near the Tennessee river, which is characterized by Trilobites, calceola sandalina, and other fossils of the European grauwacke series.

This change of the chemical nature of these remains is certainly unaccountable: the *Polypifers*, for instance, are, when in their live state, of a calcareous nature; yet we find them now, in the strata of our limestone, changed into silex: and the same organic remains which I found imbedded in limestone in a silicious state, I found in a more perfect state, not more than two or three feet higher, imbedded in a stratum of indurated clay, which sometimes, in Middle Tennessee, replaces the slaty clay, in the state of carbonate of lime.

Though Nashville stands upon an apparently elevated spot, which renders its situation exceedingly healthy and beautiful, its strata of rocks are nevertheless lower than the other parts of Middle Tennessee; for whenever any other strata make their appearance, the Nashville strata are covered by them. This is the reason why I commenced my excursions from this point, and extended them in every direction.

The lower stratum of limestone, which is visible near Nashville, on the banks of the Cumberland river, and which we have not been able to examine minutely, as no excavations or quarries of any extent have been made in it, is mostly of a bluish gray, approaching to a blackish gray color. Its fracture is fine splintery, passing into uneven and flat conchoidal, here and there intermixed with *cpathose* glistening particles; or it is sometimes of a fine grained crystalline texture, forming a medium between granular and compact limestone. When rubbed together it has a smell approaching to that of the bituminous limestone. It not unfrequently contains nodules of silex, sometimes resembling chert, sometimes hornstone, which are evidently formed by infiltration into the cavities of decomposed organic remains, which they sometimes entirely fill up. These cavities are often globular or reniform, but sometimes there are little veins of three and four and even ten yards in length, and perhaps of an equal depth, and five or six inches thick. As I could only examine these superficially where they are cut through by the river, I cannot say, whether they contain any accidental minerals, but they contain some organic remains, of which the most numerous are *Conotabularia Cuvierii*, nobis, and *C. Brongniartii*, nobis. These organic remains, of which I have communicated a description, accompanied with drawings, to the Geological Society of France, have not, I believe, been observed in Europe. They characterize particularly these lower strata. I never found these two fossils together in the same stratum; the *C. Cuvierii* seems more abundant than the other. They characterize a succession of strata of at least fifty feet in height, and occupy the lowest part of those I have observed in Davidson county, namely the bed of the Cumberland river.

The next stratum is of more interest to the mineralogist. It contains veins of Sulphate of Barytes, of a crystalline structure, as at Nashville, below the creek which runs between the Rolling Mill and town. Above that creek we have a vein of Sulphate of Strontian, which produced some fine crystallized specimens of a fine blue color. It contains also, compact of Sulphate of Barytes, as near Haysboro,' where it serves as the matrix of the lead ore, of which I have spoken in one of my former reports; but it contains also cavities which are

very numerous in some places. These cavities are filled up with various minerals, sometimes several of them are found in one; and by examining a section of these filled up cavities, one can see in what succession these various fluids have permeated the limestone. In some we see that quartz entered first, and in that case, the sides of the cavity are lined with crystals of quartz; then the carbonate of lime has entered, and we find a deposite of crystalline carbonate of lime covering the quartz; the sulphate of lime has generally succeeded the carbonate of lime, and we find several varieties of that mineral in these cavities. (1) The Sulphates of Barytes and Strontian are amongst the number of the minerals which permeated that stratum, and which have filled up these cavities, giving occasionally beautiful specimens for cabinets.

The next stratum is one which I must consider as the uppermost in the vicinity of Nashville, and which is found only here and there, particularly at some of the highest spots; it is in some parts almost entirely composed of an accumulation of bivalve shells, being the Strophomènes rugosa, (Raf.) intermixed with Trilobites, Manon Piziza, Goldf., and some Encrinites, consisting of isolated flat rings from $\frac{1}{8}$ to $\frac{1}{4}$ of an inch in diameter. I found in this stratum two species of Escharia, which I consider as new, and which I have called E. ovato pora, and E. reticulata. In other places this strata is entirely composed of a conglomeration of fragments of various marine substances, as if the deposites of the sea shore were agglutinated; but these fragments have not been exposed to mutual erosion, as is the case with those on the sea shore, and which I have discovered, as mentioned above, in other strata of the vicinity of Tennessee. Even the most delicate fragments, such as Flustræ and Eschariæ, are perfectly preserved, and their texture and pores very distinct. I found among these fragments, besides the polypifers already mentioned, some univalves, which will be mostly enumerated in the report. This stratum seems more susceptible of disintegration than any of the lower strata; when fresh specimens are broken, they exhibit apparently a homogeneous rock with a compact structure, and no fossils are visible; it is only when exposed to the disintegrating action of the atmosphere that they come to light, and are finely separated from the rock, and so delicate are some of these fossils, particularly the *Strophomenes*, that they often break when taken between the fingers, and are in a degree great translucent.

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(1) *Sulphate of lime.* If some deeper excavations are made in our limestone, we may discover some larger deposites of this mineral (generally called plaster of Paris when impure, and used in agriculture.) I found some of the finest varieties of it in Davidson county, the snowy gypsum, superior to any that I have seen, several varieties of compact and granular gypsum, of a beautiful white, and a very agreeable translucency; in an excavation by Mr. Litton near our town several large lumps of the variety generally known under the name of *alabaster* were found. It is this substance which is used in Italy for making the handsome mantle ornaments which we see in the parlors of our elegantly furnished houses.

This stratum is wanting wherever currents have worn the surface of the country; thus I found it forming the upper stratum where the stone for the construction of the engine house for the Nashville water works was quarried; it is here soon lost, and the next following stratum is only visible as far as Brown's creek, where it makes its appearance again on the east side of that creek, forming the highest point between that creek and the low place in which the tan-yard of the late Col. Love is situated, and has here been cut through in constructing the Murfreesboro' and Nashville Turnpike. The current, which has formed the above mentioned low place, has washed away this stratum, and we find it again towards the east of the bridge, where it runs under the ground. We find it handsomely displayed near the bridge between three and four miles from Nashville where the old banks of Mill creek, which now runs several rods towards the east, are visible, and where that current has denuded the present strata.

The above description of the strata which is found near Nashville, is applicable to nearly all the strata of limestone which are found in Middle Tennessee, they are characterized by the same fossils, and the same mineralogical accidental substances are occasionally found every where.

West, or rather south-west from Nashville, the limestone is covered with conformable strata of shale, or slate as it is generally called.—This stratum, which is found in nearly every county of Middle Tennessee, is what mineralogists call aluminous slate, it is mostly of a black color, often penetrated with bitumen, even sometimes containing small veins of solid bitumen, from which circumstance it was often mistaken for coal, and large sums of money have been spent in search for this combustible in such situations. This stratum is sometimes replaced by a bed of indurated clay of a brown color variegated with gray and red. The thickness of the stratum of slaty clay, and the replacing indurated clay, varies from eight to nine, (as I have seen it near the Harpeth river, and near Marrowbone and Sycamore creeks) to twenty or thirty feet as it is found at some places in Maury county. I found, as I have said before, no organic remains in the stratum of slaty clay. This is not the case with the indurated clay, it contains *Encrinites* and *Polypifers*. Near the Harpeth Bend, where this clay exists, I found some organic remains resembling more or less the *orbulites lenticulata*, Lam., and a beautiful specimen of the *Calamopora spongites*, var., *tuberoso*—Goldf. about seven inches in diameter—it was calcareous, I found a similar fossil about ten feet lower, which was silicious.

The stratum of slaty clay is covered by a stratum of limestone, which is, in some places, composed almost entirely by encrinites. Several species, or perhaps genera, have contributed to the formation of that stratum. I have collected as many crowns of these animals as will constitute perhaps fifteen species, the description of which will be published, with engravings in future; they are intermixed with Spirifer cuspidatus, S. attenuatus, and several species of Gorgona, Flustra, and Turbinolia. In some places these petrifactions are agglutinated by a chloritic substance; in others they are imbedded in a very fetid

granular limestone, forming in that case a beautiful marble, when cut and polished. The different spots and figures brought out by the sections of the Encrinites and other organic bodies form a pleasing variegation. The petrifactions in this stratum are mostly calcareous, often spathose, but they are in some places all siliceous, of a calcedonic nature.

This encrinital stratum is covered sometimes with a stratum of sandstone, upon which follows again a similar stratum of encrinital limestone. These encrinital strata are from ten to twelve feet in thickness—in some places they are wanting.

The whole of the various strata which I have described, is covered with a siliceous stratum of one hundred and fifty to two hundred feet in thickness, which forms the highest levels of Middle Tennessee, and of which I have already spoken. This stratum is of a very heterogeneous nature, and although principally belonging to the siliceous sand sandstone, it nevertheless passes here and there into argillaceous sandstone. Part of it is composed of small, often very fine and uniform grains of quartz or sand, rarely containing any argillaceous or ferruginous cement—nor does it contain any intermixed mineral.—Its color is mostly gray passing into yellow or brownish orange.—The texture, which as has been stated, is sometimes granular, often passes into the earthy without losing its siliceous nature, having in that case very much the appearance of tripoli, and may be used for the same purposes for which tripoli or rotten stone is used. It assumes often a slaty structure; it also passes into chert, or hornstone—in some places, as on both sides of the Cany Fork, the whole of the stratum has assumed this state.

I have not seen any petrifactions in the granular or sandstone part of the stratum, but they abound in those seams or veins which have something like an earthly appearance, or rather which have assumed the nature of chert, and which also occur in streaks or veins, or sometimes constitute the whole stratum. The lowest part of the stratum, where it is near the encrinital limestone often contains members of *Encrinites*, and other fossils of that stratum, and are invariably of a calcareous nature. This shows that the formation of those siliceous strata is more or less contemporaneous with the encrinital strata.

But a few feet above the junction of these strata, no encrinites, nor any organic remains are perceptible; nor are there any fossils for the distance of many feet, but as soon as the rock becomes more compact, particularly when it begins to assume the appearance of chert, the organic remains begin to abound. A few *Encrinites* again become visible, also some *Trilobites*, but the fossil which particularly characterizes the stratum is the *Gorgonia antiqua*, Goldf., accumulations of which, deposited in a direction parallel to the stratum, form, for some inches, sometimes even more than a foot in thickness, the whole rock. When this *Gorgonia* is found in the softer kind of rock, it forms one of the most delicate organic remains, the rock being a brownish orange yellow color, while the delicate capillary tubes with their transverse junctions, are white, so that when freshly broken in the direction of these poly-

pifers, it exhibits a fine white reticulated structure upon a dark ground; but as these delicate tubes, which are not thicker than a sewing-thread, are not firmly fixed upon the stone, they are destroyed by the least friction. This is not the case with the *Gorgonia* found in that part of the sandstone which has the nature of chert, which in some places also abounds in *Gorgonia* of different kinds, among which *G. antiqua.*—Goldf., and the *G. infundibuliformis*, Goldf., prevail and they are mostly siliceous, hard and firmly attached to, and sometimes even incorporated with the rock, which is often entirely composed of similar polypifers; and when it happens that a block of it is broken in the direction of these fan-shaped structures, it forms beautiful specimens, the stone having generally a brownish yellow color, while the fossil remains white.

I do not recollect ever to have seen any of these fossils in European sandstones, nor have I seen it mentioned in any of the authors on geology. In Davidson county we find them in many places where the sandstone prevails; they are associated with Trilobites, and members of Encrinites and Flustras—I found also among them a few crowns of Encrinites. This stratum also contains an organic substance which is composed of a flat stem—perhaps an Alga(?)

This stratification continues nearly uninterrupted, except, where it is cut through by currents, to beyond Tennessee river. It is in this siliceous stratum that the rich deposites of iron ore (hydroxide of iron) are found which supply ore to the furnaces in Dickson, Stewart, Hickman and Perry counties. The Tennessee, and most of the other rivers in these counties, have cut through these upper strata, and their beds limestone, some of them similar to that in the vicinity of Nashville.

The upper strata of the limestone in the vicinity of the Tennessee river differ from those mentioned above, for as far as I have been able to trace them, they cover the limestone strata of Davidson county, and differ also in a mineralogical point of view, being more of a marly nature, containing only 87-100 of carbonate of lime. They are more susceptible of decomposition, and have an argillaceous smell when moistened; but they contain the organic remains which are considered by the geologist as characterizing the lowest of the transition strata, as Trilobites, Calceola sandalina, Catenipora, Orthoceratites, Calamopora and many others.

This limestone which comes to light at several places near the Tennessee river, on both sides, and which are remarkable for the sterility of their soil, are there called glades, and are towards the west, or southwest, covered with strata of marl, in which numerous Gryphæ, Ostreæ, etc. are found, (my third report contains a description of this marl and its effects upon vegetation.) This marl is covered with sandstone which contains lignite, petrified wood, pyrites, and retinasphaltum, upon which follows a ferruginous sandstone, in several places rich in iron, and the whole is covered towards the Mississippi with an alluvium.

In order to make the general view of the geology of the State more intelligible, I have joined a geological map, on which all the different

formations are marked with different colors. The primordial series, of which we have a small range along the State line between Tennessee and North Carolina, is colored blue. The grauwacke series, composed of grauwacke, slaty grauwacke, sandstone and limestone, which extend from the primordial series, to where they are lost under the Cumberland mountains, is colored yellow. The upper transition, or mountain limestone is colored red, and is composed of various strata of limestone covered on the highlands by a siliceous stratum which contains the iron ore of Middle Tennessee, and which commences at the western base of the Cumberland mountains, being visible also in Sequatchee Valley, forming the whole of what is called Middle Tennessee, and extending in some places to four and five miles west of Tennessee river, while that river forms its limits in Hardin county. The coal formation, which forms the mountainous part known by the name of Cumberland mountains, is colored brown; while the cretaceous strata, composed of marl, green sand and clay, and which compose the level country in West Tennessee, and extend to the Mississippi river, are colored green.

I have also given a section of all the different groups which I have observed in Tennessee. I have followed, in this section, the line mentioned in this report, except that I have taken two points on the line between this State and North Carolina, viz: from Roane mountain, in Carter county, which is primordial, and from Smoky mountain, on French Broad river, Cocke county, which is transition. The colors on this section coincide with those on the geological map, only two colors have been added, viz. on the carboniferous or mountain limestone, where in the section the aluminous slate and the siliceous stratum are marked by colors, which could not have been done on the map.

Having given in the preceding pages a general geological outline of the whole State of Tennessee, I will proceed with a detailed account of counties which I have more particularly examined. In my first and second reports, having already described Davidson, Williamson, Maury and part of Rutherford counties, I will now continue with

## COCKE COUNTY.

As the mountainous part of East Tennessee offers a very interesting field for the geologist, I spent most of my time, in my last excursion, in Cocke county, where the French Broad river, having taken its origin in the southern extremity of Buncombe county, North Carolina, enters this State, traversing the whole of that part of the Appalachian chain which separates the two States, and offering a very interesting display of the different strata which compose that system.

As I have already observed in the general geological view of our State, the primordial rocks terminate about eight miles east of the Warm Springs in Buncombe county, North Carolina, they are there composed of gneiss, intermixed with granite, and are covered by nearly vertical strata of siliceous grauwacke till near the Warm Springs, where we have a stratum of granular limestone, upon which follows again the grauwacke, which forms the highest part of the chain here, and also at the Painted Rock, where the line passes which separates

our State from North Carolina. The Smoky mountain here, is, according to the measurement of M. Nicollet, 5000 feet above the level of the ocean, and forms a kind of table land. The ridges towards the west, which run somewhat parallel to the principal one, diminish gradually in height as they recede from the principal ridge, till they dwindle away to a gently rolling country. Descending along the French Broad river, the rocks continue in the same manner, except that the slaty grauwacke strata become more and more frequent, till about ten or twelve miles above Newport, we have a stratum of several rods in thickness of quartsite, having at some places the appearance of hornstone, or chert, sometimes of common quartz. There soon follows (about five miles above Newport) another stratum of limestone, the strata of which rock become now pretty frequent, and prevail generally towards the northwest of the county.

In my examination on the French Broad, I made several excursions to the right and left of that river, and found that the above mentioned disposition of strata is pretty general through the whole county. The strata are interspersed with numerous veins of iron, manganese, and some zinc ores, of which I will speak hereafter. Valuable mineral springs, mostly chalybeate, flow at several places out of the ground.

The limit of this grauwacke series is not always the same in regard to its distance from the State line, as observed above, the primordial rocks extend no farther westward, on the French Broad river, than about sixteen miles east of the Painted Rock; whereas near the head of Big creek the primordial rocks enter for two or three miles into the State of Tennessee. Travelling from French Broad, between Mrs. Allen's and Holland's, in a southern direction, I remained on the grauwacke for about ten miles south of the French Broad; at that point a cabin has been built, which is inhabited by a family, and other cabins are erecting. Near these habitations is the junction of the primordial with the transition series. The primordial, occupying the southern, or most elevated level of the chain, are generally a granite, which is composed of quartz, reddish felspar, a few small spangles of black mica, and chlorite talc, and which belongs to the *protogene* of the French geologists.

I ascended also the Big Pigeon river, which takes its origin south of Waynesville, Haywood county, North Carolina, and traverses the same ridge of Smoky or Iron mountains, fifteen or twenty miles southeast of the place where the French Broad crosses it. There is much similarity between these two rivers, owing to the likeness of the rocks over which they run. I there also ascended it to near the State line, and found the transition terminated with the Stone mountains, about three or four miles from the line, and the same granite with chlorite made its appearance.

I observed above that the grauwacke rocks of this county were traversed in several directions by veins of iron and other ores. I have examined these iron ores with great care, and ascertained their positions as correctly as possible: but as none of these veins have as yet been penetrated, I could only investigate them superficially, and there-

fore can offer only conjectures as to their position, which, nevertheless, are founded on appearances that have seldom misled me.

The first locality of iron ore that I examined was near Long creek, on the property of Mr. E. Birdseye. On his premises are found several deposits, which are remote the one from the other, but not so far but that the ore from them may with convenience be employed at one furnace. These ores are not of the same quality. The quantity of iron which each contains will be mentioned in another part of this report. I will here only state there seems to be no doubt but that there is a great abundance of iron ore. It is situated in a gently rolling country, which is mostly all under cultivation, possessing an excellent soil, which is not always the case in mining countries. Indeed there is found here every thing requisite for the establishment of iron works, plenty of ore, abundance of timber of the best kind for coal, ample quarries of good limestone, and I believe, Long creek will afford a copious supply of water to drive any machinery needed for such an establishment; at least it afforded a sufficient quantity when I was there in September of this year, a year remarkable for the long continued drought, which has drained most of our streams; but even if this creek should fail, these deposits are only about two miles from the French Broad, which never gives out.

One only of the above mentioned deposits has been penetrated, and has furnished the ore to Legion Furnace, belonging to a company, which, as it was composed of a legion of partners, is long since blown up; the iron made there of this ore I was informed was of excellent quality. On these premises are two chalybeate springs which are much resorted to by valetudinarians.

Crossing the French Broad above Long creek I visited several deposites of iron ore along Grass Fork creek, and which seem to be a continuation of that, which is on the right side of the river. Judging from the abundance of fragments of ore on the surface, the ore is also abundant there. Four extensive deposites exist on this creek.

Another deposite of iron ore is near the place of Mr. Holland near Stone's creek. It is very abundant, and its quality will be made known in another part of this report. Not far from this deposit is a vein of excellent *black oxide of manganese*, (1) which also seems to be abundant.

The next deposite of iron ore that I examined was near the Dry

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(1) For those who are not acquainted with mineral productions, I beg leave to state that, Manganese is a metal that in its metallic state is of no use; but that it is employed for several purposes in the state of ore, as it is produced by nature, viz: as *black oxide of manganese*, a substance which is of a black color, sometimes dull, and having sometimes a metallic lustre. It is merely pulverized to make it fit for sale. It is used extensively for the preparation of chlorine, employed in the modern mode of bleaching linen and cotton goods, by chemists for the preparation of oxygen gas, and other purposes—and also by the glass manufacturers.

Fork of Wolf creek. It is about two or two and a half miles from the French Broad—the ore seems to be in great abundance; it may be traced for several miles partly on this and partly on the other side of the State line. It differs much in its external appearance from the ores which are found in the other parts of the county. (See its proper description and constituents in the part of this report where the iron ores are described.)

Travelling along the banks of the Big Pigeon river, I found several pieces of good iron ore: and there is no doubt but that some other deposites, such as those mentioned above, exist in this country; but the mountainous part being as yet difficult to be penetrated in every direction, the properties and extent of these deposites cannot be ascertained with certainty. But though this country at first seems to offer many insurmountable obstacles to the traveller, the difficulty in penetrating in every direction may nevertheless be easily surmounted when conducted by experienced pilots. In this way I penetrated it, even on horseback, and reached at several places the summit of the great Smoky mountain, or the dividing ridge between North Carolina and Tennessee: and at trifling expence roads may be made, by which this whole mountainous region, not only in Cocke and Sevier counties, but in all the counties here bordering on the State line, would be traversed in every direction by wagons—and no doubt this will soon be the case.—When I first visited these mountains, I expected to find rugged rocks covered here and there with some sandy soil, terminating in peaks and crags, divided by impassable gorges and ravines. Instead of this, I was not a little surprised to find most of the declivities covered with an excellent soil, and adorned with a more luxuriant growth of trees than I have seen in any part of the United States.

A considerable portion of the country affords fine grass and arable lands: taking the growth of timber as the criterion for judging of the soil, the traveller would immediately form a favorable opinion. Over the whole country, whether valleys or mountain declivities, the growth is not only abundant but very large: the trees generally tall. Northwest of Bulle's mountain range the growth—white oak (quercus alba,) black oak (quercus tinctoria,) Spanish oak (quercus falcata,) rock chesnut oak (quercus prinus monticola,) is very abundant. We also find chesnut (castanea vesca,) wild cherry (cerasus virginiana,) black walnut (juglans nigra,) mountain black birch (betula lenta,) yellow pine (pinus pitis,) white pine (pinus strobus.) On most of the small streams, in addition to the above, white beech (fagus sylvestris,) buckeye (pavia lutea,) several species of magnolia, poplar (liriodendron tulipifera,) sugar maple (acer saccharinum)—are all magnificent.

South-east of that range the land is more fertile, the sugar maple and other trees that commonly grow in river bottoms, and shrubs of great variety cover the ground. No country affords a more favorable growth for the tanning business than this country, the hemlock spruce (abies canadensis) is common, and of a prodigious size, particularly on the creeks. The black oak is another valuable tree, from which as yet, to my knowledge, no advantage has been derived in this State. Its bark

is very rich in the tanning principle, the only inconvenience which attends it is that it imparts a yellow color to the leather, which is erroneously believed to augment its value.

From the cellular integument of this oak is obtained the quercitron, of which great use is made in dying wool, silk, and paper hangings.—According to several authors who have written on this subject, and among others, Dr. Bancroft, to whom we are indebted for this discovery, one part of quercitron yields as much coloring matter as eight or ten parts of woad. From a German price current of Hamburg, June 21st, 1839, the quercitron is rated at 12½ and 13 banco=$1 00 pr hundred, and is I believe chiefly exported from Philadelphia to Europe.

The wild cherry is another valuable tree in these mountains, and grows to a prodigious size. I have measured trees which were from twelve to fourteen feet in circumference, and perhaps ninety or one hundred feet high, with a trunk of a uniform diameter, from twenty-five to thirty feet in height.

Most of the mountain slopes afford excellent range for stock, and the summits, which are mostly a kind of table land, are covered with the richest soil. I have examined in several places the high ridge in Cocke county from about two or three miles from the French Broad to near Big Pigeon river; this ridge is called, and very properly too, Rich mountain. I found a man and his family established near the summit, who had some land under cultivation. He had raised excellent potatoes of a large size; his cabbages were very large and solid; his corn was rather small, this may perhaps be owing to his late planting, or, as his little farm was pretty elevated, perhaps the climate is not warm enough for the raising of corn. There is no doubt that small grain, as wheat, oats, rye, and buck-wheat will be better adapted to the climate. The soil seems to be naturally fit for grass and pasture—the native or wild grass covers the ground in several places, and is intermixed with rich weed, as pea-vine and white clover.

No country can be better calculated for the raising of sheep—they can find an abundance of excellent food during the winter in the temperate valleys, where they are sheltered againtt the cold winds, while they can enjoy a more congenial temperature during the summer on the more elevated table lands; and some of the inhabitants, already aware of this, are increasing their flocks, and improving it by the Saxon breed, which gives a find kine of wool, and which perhaps would not thrive well during our hot summears in the low parts of Tennessee.

Some blue grass seed was sown here and there on the highest table land of Rich mountain, and when I visted that mountain during the month of September of this year, it grew well and seemed to subdue the other weeds, and no doubt would grow better if the sun was not prevented by the dense foliage of the trees from warming it with its rays.

But these are not all the advantages which the mountainous part of East Tennessee offers. Nature has stamped it as a country for manufactures, as well as for the raising of stock, and nothing is therefore wanted but to furnish it with good roads, and it will soon be covered

with industrious laborers. Cocke county, and in fact most of the mountainous counties abound in water power. The French Broad, which is from thirty to thirty-five rods wide, has a rapid current, and was found by the levels of the engineers who laid out the Railroad route from Charleston to Cincinnati, to fall at the rate of from ten to twelve feet in the mile,—solid rock strata crossing at intervals, the stream may be converted into natural mill-dams—any power can be had upon this river at several points from Newport to the State line.

Wolf creek, Long creek, the two branches of Big creek and Stone's creek are abundantly large for furnaces and light machinery—the great fall of these streams gives them unusual strength for their size.

Big Pigeon river is smaller than the French Broad, but as a stream for water power affords the same facilities—the fall is about the same. Shoals and seats are found from its mouth to where it crosses the State line. Cosby's creek is a bold stream, it drives a forge and bloomery erected by Messrs. Urps and Roadman, and is well adapted to mills; etcetera.

With such an immense power every branch of manufactures can be estahlished in these counties; and nature has at the same time placed the raw material to work upon at the disposal of him who will apply them to useful purposes—not to mention the manufacture of glass (1) and other branches—I allude here to the inexhaustible deposites of iron ore. Iron must become one of the principal sources of the wealth of Middle and East Tennessee. Missouri may boast of its iron mountain, (which in East Tennessee would be called a knob or hillock) but the quantity of excellent iron ore in our State far exceeds that of the iron mountain. Judging from the ore visible on the surface in both States, Tennessee is far more favored with it; and no where could a foundery

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(1) As yet we have no manufactory of glass in the far west, and no country offers better materials for its establishment than some of the East Tennessee counties. I will here give the materials which are used in making the different kinds of glass, from which it will appear that the county here described has all the necessary requisites to carry on this branch of industry.

*Bottle Glass.*—This is the coarsest kind of glass; in Europe made of various kinds of rock, as basalt or lava—all the rocks in Cocke county, the limestone and slate excepted, will answer this purpose, also the common sand, with some clay and common salt. In England it is made of coarse sand and waste earth of kelp, from which the soap-boilers have washed out the alkali. Kelp is an impure kind of soda which is made from plants which grow on the sea shore; it contains from three to eight per cent of pure carbonate of soda.

*Window Glass.*—This is generally made from fine sand, with about twice its measure of best kelp. Spanish barilla is used by the best manufacturers in Europe.

*Flint Glass.*—This is so called because it was formerly made of calcined flint, but at present a fine quartzose sand is employed by the English as the basis; this sand is well washed, calcined and sifted, (Cocke

for a national arsenal be more judiciously situated than in our State, the centre of the Union, and therefore not liable to be attacked by an enemy, and yet by means of its large rivers, and soon perhaps of rail roads, cannon or other arms may be transported in a short time to any point in the Union.

Not only is the country now under consideration rich in iron, and those advantages just enumerated, but all the counties near the State line are in this respect pretty much the same. I have only selected this county as affording the best opportunity for examining the rocks and stratification, by the sections that have been made through the mountains by the French Broad and Big Pigeon rivers.

*Meteoric Metallic Mass—Found in Cocke County.*

Besides the extensive deposites of iron ore which are found in Cocke county, and of which annalysis will be given in this report—iron of another description was found in this county. During my excursion through East Tennessee I had seen small fragments of *native iron*, and had heard of large masses of it which were believed to be silver. It being considered a precious metal, all that was known about it, and the places where it was found, were kept a profound secret. Some of the less prejudiced inhabitants at last became acquainted with the nature of the metal, and its real value was made known; and it is to the politeness of Col. Micajah C. Rodgers of Sevierville, that I am indebted for a considerable quantity of it, and to the Hon. Judge Jacob Peck of Jefferson county, who presented me with some small fragments. I am thus enabled to lay a description of this singular substance before the scientific public.

Having ascertained, as appears from the analysis which will be mentioned in the following pages, that this iron contains Nickel, the mass must be considered of meteoric origin, but it differs from most of the masses of meteoric iron hitherto described. The original weight of it is said to have been about two thousand pounds. The parts that I have seen, and that which is in my possession, are a singular heterogeneous mixture, composed of metallic iron, carburet of iron, or graphite, sulphuret of iron, hydroxide of iron, brown and yellow, the brown being very hard, the yellow very soft, like gypsum; in some pieces all these ingredients form a kind of heterogeneus mixture.

The most interesting part, nevertheless, and which occupies about

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county possesses at several places which I have examined on the French Broad, good sand for this purpose, and perhaps sufficient for such establishment. This nevertheless I am not prepared to affirm, but there are immense strata of *quartz rock*, which is pretty pure, and may serve the purpose. One of the strata is about five miles from Newport.) The flux used for this kind of glass is composed partly of red lead or litharge and pearlash.

It is unnecessary to mention that we have sufficient materials to make potash or pearlash over the whole of Tennessee, and particularly on the mountainous parts of East Tennessee, some of which will always remain as forest.

ninety-five hundredths of the whole mass, is the nickeliferous iron. It is partly of a crystalline structure, and partly composed of irregular grains of various sizes and forms, sometimes merely agglutinated, sometimes separated by a thin, flexible pellicle of a highly polished metal, viz: highly carbonised iron. The crystalline part is composed of laminæ, which vary in thickness, forming sometimes equilateral triangles, which are separated, the one from the other, by very thin laminæ or pellicles of a brilliant steel polish as mentioned above, and being remarkably flexible, I expected to find these triangular laminæ placed in such position as to form octahedrons, or showing a cleavage paralliel to the sides of that solid; but this is not the case, the cleavage gives a regular tetraedron. I have one of these forms, which measure about one inch from the base to the apex. This metallic iron is besides dispersed in irregularly shaped little masses through a solid compact brown hydrated oxide of iron, through which it is also dispersed in invisible grains which can only be detected by the magnet which attracts them when the substance has been reduced to powder.

This iron is malleable. I have in my possession a horse-shoe nail which was made of it without having undergone a previous preparation, and it is harder and whiter than common wrought iron. Its hardness is perhaps owing to a small quantity of carbon, or perhaps to nickel—but the color of the iron in its natural state, before it has been subjected to any operation, differs much in different parts. In some it is black and has no metallic lustre at all; in others it has a brilliant lustre, and is then always much whiter than steel or common iron. This iron is but little susceptible of being tarnished when exposed to the action of the atmosphere—the black part may be rendered white by a file. It is covered also here and there with a kind of black varnish.

The substance which constitutes the next greatest part of the mass is the graphite. It is not easily distinguished from the common graphite or blumbago, except that it is a little harder than the common granular and compact varieties. It is rather blacker than the latter, and makes a blacker and better defined line upon paper. When rubbed by a hard body, it assumes a bright metallic lustre. It is not a pure graphite, but rather a mixture of metallic iron and graphite. This iron can be removed partly by a magnet, when it is reduced to power, but a considerable proportion remains mixed with the graphite which when acted upon by hydrochloric acid is dissolved under a brisk production of hydrogen gas.

The sulphuret of iron or pyrites occupies the small proportion of the mass. This pyrites is not attracted by the magnet, nor does it seem to act upon the magnetic needle. It is easily cut with a knife, and consequently is softer than common pyrites. I have not been able to obtain sparks from it with steel. Another property which distinguishes it from common pyrites is its easy solubility in diluted hydrochloric acid, with a brisk expulsion of sulphuretted hydrogen gas, leaving a mixed powder of black and white in the fluid. It has a more or less sublamellar structure, in which no regularity could be perceived, and a color of bronze-yellow and copper-red, often tarnished.

This hydroxide of iron, which forms part of this mass, is a heterogeneous mixture of the varieties of the ore generally known under the names of brown iron ore and yellow ochre, and resembles this terrresteral mineral. Its color is generally brownish black, passing into liver brown. The external surface of the mass is covered here and there with the yellow earthy variety. How far this latter penetrates into the mass or what thickness it had originally I am not able to say, as the mass was too much abused before part of it came into my possession.

Its fracture resembles that of the common compact brown iron ore.

The brown variety is very hard, no file can make the least impression on it, the best file is immediately dulled, and leaves the steel on the surface of the mass. Nevertheless, the whole is not of a uniform hardness, some part, particularly the liver brown, is scratched by the file.

Some small cavities in it are lined with small lamellar crystals, resembling those of white pyrites.

This hydroxide, judging from my specimens, is not abundant in the interior of the mass, where it serves as a matrix for the metallic iron, but the exterior of the mass is entirely composed of it, which is at some places about one inch in thickness, while at others it is no more than one quarter of an inch, showing here and there small points of metallic iron piercing through it.

*Constituents of different parts.*

One hundred grains of the metallic iron were dissolved in diluted hydrochloric acid, leaving a residue of half a grain of a black powder similar to that obtained of the graphite. This solution being treated with nitric acid to convert the protoxide into peroxide, was precipitated by pure ammonia; the precipitate being washed and ignited gave 124 grains of peroxide—87 grains of pure iron. The ammoniacal solution gave 12 grains of metallic nickel, with a trace of cobalt; loss half a grain—

METALLIC IRON.

| | |
|---|---|
| Iron, | 87,0 |
| Nickel, | 12,0 |
| Carbon, | 0,5 |
| Loss, | 0,5 |
| | 100,0 |

Of the graphite, pulverised and freed by a magnet of intermixed iron fifty grains were acted upon with diluted hydrochloric acid; an effervescence took place with disengagement of hydrogen gas, owing to the metallic iron which was so intimately mixed with the graphite, that it was not attracted by the magnet. After the effervescence ceased it was heated in order to dissolve every thing that was soluble. The insoluble part being washed and dried, was pure carbon, it weighed forty-six and a half grains.

The hydrochloric solution being treated with nitric acid to convert the protoxide into peroxide, and precipitated by ammonia, gave peroxide equal to three grains of metallic iron. The filtered solution was

treated with pure potassa, a hardly perceptible floculent precipitate was obtained, so that this iron was free of nickel.

GRAPHITE.

| | |
|---|---|
| Carbon, | 46,5 |
| Iron, | 3,0 |
| Loss, | 0,5 |
| | 50,0 |

A small fragment of the pyrites was dissolved in diluted hydrochloric acid under a brisk effervescence and disengagement of sulphuretted hydrogen gas—part of it was insoluble; this, after being washed and dried, was exposed to heat, by which sulphur was sublimed, and a black powder remained. The quantity used for the analyzes was too small to determine the precise proportions—but it is composed of:

SULPHURET OF IRON.

Sulphuret of Iron.
Carbon.

HYDROXIDE OF IRON.

The hydroxide of iron lost about seventeen per cent. by being heated, and had then all the characters of similar residue of terrestral brown iron stone or hæmetite.

Such are the characters and appearances of this mass. Nothing is known, in the country, of its fall; it was accidentally discovered near Cosby's creek, in the south-western part of Cocke county, and as mentioned above, considered as silver ore; in fact there is yet a fragment of it in the hands of an inhabitant who asks fifteen hundred dollars for it, which sum would be some hundred dollars too much if it were pure silver.

This is not the only instance of meteoric iron occurring in Tennessee; a small mass was found in Dickson county, and another a few miles from Caney Fork, the latter had an oval shape, its long diameter being from ten to twelve inches, and a smooth glassy surface. It is said that several masses have been found about twenty miles east of the Warm Springs in North Carolina; I went to the spot during my last excursion, but could learn nothing with certainty of them, nor see any of the metal.

IRON ORES.

Though the preceding metallic mass is of the highest interest to the philosopher who investigates the operations of nature, it is not so in regard to the political economist, who points out the sources of National wealth. I should therefore have given a mineralogical and chemical account of the ores which, as appears from the preceding pages, are so abundant in Cocke county. But whether it is to be attributed to the neglect of those who promised to send me specimens, which I was not able to carry with me on horse back, or whether it is owing to a want of opportunity to forward them—I have been disappointed in my expectation and the description of these ores which was promised in the preceding pages, will have to be communicated in a future report.

Some of our iron masters and proprietors of furnaces have been more punctual, and I embrace this opportunity to tender my sincere thanks to them for the valuable information which they have communicated to me respecting their works, and for the specimens which they have sent me for examination.

With the exception of the Cranberry ore in Carter county and a vein in Cocke county, both belonging to the magnetic oxide of iron, and the red iron ore, a vein of which I have traced with some interruption for about sixty miles on the eastern base of the Cumberland mountains, the iron ore in other counties of Tennessee all belong to the hydroxide of iron, and if their product differs in quantity or in quality it is only attributable to some heterogeneous substance which is combined or mixed with the iron in the ore, or to the ignorance of those who work it.

I had in contemplation for sometime to give a complete description and analysis of the various ores which are found in the State of Tennessee, particularly of those which are used in our iron works, because, though these ores belong to the well known hydroxides of iron, all the different varieties of that mineral are not well known to those who have the direction of these useful establishments. When I first visited our iron works I was surprised to see some of the best varieties of ore rejected as useless. The brown hæmatite, the purest and richest of all, was by some rejected under the name of *Black Jack*. Now the ore to which the English miners give the name of Black Jack, is not an iron ore, but a compound of zinc and sulphur. The iron masters were astonished when I pronounced it the best ore they had.

I have also promised in former reports to furnish a complete statistical account of these works, in preparing which I expected the cooperation of the proprietors of these works, but only a few have contributed to this undertaking. The facts nevertheless, which have come to my knowledge, I will now communicate, and I again invite those who have not yet done it, to send me such information as they consider fit for the eye of the public, that it may be seen what benefit they are to the State, and to what extent legislative patronage should be bestowed upon works, which furnish or may furnish one of the most essential sources of support to the State.

I will commence with the ore of the Dover iron works. They are situated on the left side of Cumberland river, a few miles above Dover, in Stewart county, and are composed of two high furnaces and a rolling mill, and are owned by Messrs. Woods, Stacker & Co.

The ore banks of this establishment are of great extent and are all situated in the immediate vicinity of the furnaces. One only of them furnishes at present the ore which is used. It is the bank called Bear Spring bank; it forms a solid deposite of ore and is quarried above ground, as is the case with all the iron banks in Tennessee. I have made analyses of the ores from the other banks belonging to that establishment; they are not used now, for what reason I do not know, for they are as rich in metal as those of Bear Spring bank. The average result of several analyses made of different parcels of the ore is:

| | | |
|---|---|---|
| Protoxide of iron, | 70 00 | —61¼ per cent. of pure iron. |
| Water, | 12 00 | |
| Manganese, | 2 50 | |
| Silex, | 4 50 | |
| Alumine, | 1 00 | |
| Loss, | 1 00 | |

The ore of these banks is a mixture of some of the varieties of the hydroxide of iron, namely of the compact brown iron stone, forming the greatest proportion, which is here and there interspersed with cavities and porous places, containing some of the earthly varities as the yellow and brown iron ocher; the interior of the cavities being often lined with brown hæmatite which also runs sometimes through the massive ore.

The ore of Bear Spring bank which is now exclusively used in the Dover works, is more homogeneous. When I visited these works, this bank was not sufficiently penetrated to enable me to form an opinion respecting the nature of the ore in general, but judging from the specimens which the proprietors sent me, it is principally composed of compact brown iron stone in stalactitical concretions, containing numerous cavities which are mostly lined with a black crust—in one instance a crystal of sulphate of lime, of about two inches in length, in an almost isolated state was found in it.

A small vein of earthly black oxide of manganese intermixed with yellow ocher traverses this bank in several directions.

I have made two analyses of the compact variety—the one an ore of rather a pale brown or liver color—it gave:

| | | |
|---|---|---|
| Protoxide of iron, | 80 | =62 per cent. pure iron. |
| Water, | 15 | |
| Manganese, | 1 | |
| Silex, | 3 | |
| Loss, | 1 | |
| | 100 | |

The second being performed with a blackish, somewhat glossy ore, gave:

| | | |
|---|---|---|
| Protoxide of iron, | 76,50 | =59½ per cent. pure iron. |
| Water, | 12,00 | |
| Manganese, | 5,00 | |
| Silex, | 4,50 | |
| Alumine, | 1,00 | |
| Loss, | 1,00 | |
| | 100,00 | |

The earthy variety is a mixture of yellow and brown ocher with parcels of pulverulent black oxide of manganese and silex, one anaylsis gave me fifty-four per hundred of protoxide or forty-two per hundred of pure iron.

From a statement communicated to me by the proprietors of the

above mentioned works, it appears that they manufacture annually about 5575 tons of iron, viz:

2000 tons of bar iron,
3000 tons of pig metal and hollow ware castings,
5000 kegs of nails,
550 tons of blooms.

To produce this quantity they purchase annually about 1600 tons of blooms, the remainder being furnished by their two furnaces.

The establishment owns 235 slaves, and hire nearly the same number giving direct employment at the mill and two furnaces to about 450 hands, and feeds and supports about 100 women and children.

If we add to these 450 effective hands the number of hands which are employed indirectly by the establishment, the number will be about one thousand, viz:

| | |
|---|---|
| In making the above mentioned 1600 tons of blooms from the ore, | 360 |
| In digging and transporting stone coal, | 80 |
| I raising corn, flour, pork, etc. | 100 |
| | 540 |
| Add the hands immediately employed in the establishment, | 450 |
| Total, | 990 |

They employ 200 head of mules and horses and thirty-five yoke of oxen.

Consume annually,

300,000 pounds pork,
7,000 barrels corn,
300 barrels flour,
100,000 bushels stone coal,
44,000 cords wood,

The annual expenditure of money is $240,000.

The sales of wrought iron, nails, castings and pig metal of that establishment for five years, commencing 2d October 1834, and ending 2d October 1839, is $1,950,000.

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Though Mr. E. Embree has made no communication for the contemplated statistical account of the iron works of this State, the information communicated by him is in other respects of the highest importance, as giving the results of the experiments of a man who is perfectly master of the iron business, and show that stone coal is not absolutely necessary to carry on the rolling of iron, as is generally believed, so that in the several counties in East Tennessee, which are too remote from our coal fields, and which possess in great abundance excellent iron ore, the iron business in all its ramifications can be conducted to any extent; rendering thereby available the great extent of mountain land, which is only calculated for the growth of timber.

Mr. F's. works are situated on Bumper's creek, near Nolychucky river in Washington county. He stated to me that he had been engaged in making iron for nearly thirty years in a country where no stone coal can be got, and that he had found the following results from the use of wood.

"To keep a smelting furnace in constant operation making about twenty tons of metal per week, requires from 7,000 to 10,000 acres of common mountain land, such as is found uncultivated along the Unaka and Smoky mountains, this amount of land will reproduce the wood so as to keep up a constant supply.

Chestnut will yield a good cutting in about fifteen years.

Oak is of a slower growth, it will require twenty-five years to produce as large a quantity as is generally found at the first cutting.

Black oak or chestnut oak will make about twenty per hundred more iron than chestnut.

Pine is of slower growth than chestnut and will make a little more iron to the cord.

Spruce and white pine are not good for coal but answer for heating blooms.

I have met with no timber except linn (lime?) and buckeye, but what will answer to make iron; but the wood that makes the heaviest coal will make the most iron, to the volume of it.

I believe the chestnut oak, found in the mountains, is a little superior to any other wood, because it makes the heavest coal. It is also superior to any other wood in heating blooms for rolling—though any kind of wood in the mountains will answer for heating blooms except the two kinds before mentioned.

I use wood for heatiug blooms for rolling, and find it answers very well. It requires from two and a half to four cords to heat a ton of blooms sufficiently to roll it into sound bar iron.

A litte pine or poplar, well dried, and mixed with good black or chestnut oak, makes the best heat.

The time mentioned above to produce the wood, is sufficient for the growth of a crop equal in quantity to the first; the ground may be cut over in a shorter time, but there would be a loss in the quality as well as in the quantity.

In Kentucky, where the land is well timbered, five thousand acres are considered sufficient to produce wood to make 1000 tons of pig iron annually."

The above mentioned facts, the results of thirty years experience, of a close and intelligent observer as Mr. Embree, have induced me to lay before the inhabitants of our forest and iron regions a more extensive view of the nature of wood as fuel for the use of iron works.

---

In order to give an idea of the quantity of heat produced by the various kinds of our wood, I have made some extracts of a memoir of Mr. Bull, of Philadelphia, entitled "Experiments to determine the compar-

ative value of the principal varieties of fuel used in the United States, etc."—read before the American Philosophical Society of Philadelphia, in April, 1826. This is by far the most extended systematic and successful effort yet made in this interesting field of experimental inquiry, and may be of great utility for our iron establishments, which are all, except the few on the eastern slope of the Cumberland mountains, at a great distance from our coal fields.

The general principle on which Mr. Bull's experiments were conducted for determining the comparative heat evolved in the combustion of a given weight of each would sustain the air of the room at a temperature of 10 deg. above the surrounding medium. To obviate the influence which the ordinary atmospheric changes of temperature and the winds would produce on the results by furnishing a surrounding "refrigerating medium of inconstant power," the room in which the experiments were performed was surrounded by double walls, and the intermediate space sustained by artificial heat during the experiments, at a uniform temperature, and somewhat higher than the greatest natural temperature of the external atmosphere. The actual temperature of the inner and the outer rooms, during the experiments, was determined by common mercurial thermometers suspended in each, and the difference of temperature by Leslie's differential thermometer, the horizontal part of which traversed the inner wall or partition, leaving a bulb and upright stem on each side. The combustion was effected in a small upright cylindrical stove, furnished with forty-two feet of sheet iron pipe of two inches diameter, having in it several convolutions before it left the room. So completely was the heat generated in the process of combustion dissipated by the pipe, and emitted into the room, that a thermometer, the bulb of which was inserted in the pipe just before it entered the chimney, indicated the same temperature as the one which hung in the room. As the conducting power of the air, in relation to caloric, is influenced by its hygrometric state, care was taken to preserve it in a uniform condition in this respect. All the varieties of fuel operated on were dried previous to combustion at a temperature of 250 degs. Fahrenheit. Their solid contents were determined in the usual method for irregular bodies, by the volume of water, which a given volume by the usual admeasurement displaces, and the specific gravities by the hydrostatic balance. In the latter case, porous substances, which expand by the absorption of water, as the wood, were previously covered with a varnish having exactly the same specific gravity as water; in short, no precaution seems to have been omitted by this laborious and able experimenter, to guard against every source of error, both in the construction of his apparatus and in the general conduct of his inquiries. The annexed table exhibits the results of his experiments.

It also appears from the investigations of Mr. Bull that one pound of charcoal of hickory, maple, oak and pine will keep up 10 deg. of heat for 15 hours, whereas Lehigh coal kept this heat only 13 hours and 10 minutes, and bituminous coal 9 hours and 20 minutes.

| Common name of wood. | Botanical Names. | Specific gravities of the wood when dry. | Avd'p'is lbs dry wood in 1 cord. | Pr'duct of charcoal fm 100 prts dry wood by wt. | Specific gravities of dry coal. | Pounds of dry coal in one bushel.— | Lbs. of charcoal from one cord of dry wood. | Bushels of charcoal from 1 cord of dry wood. | Time 10° of h't where maintn'd in a room by the c'mb'sti'n of 1lb of each article. | Val. of specified q'antities of each article c'mpar'd with sh'llbk hic'ry as th' st'nd'd |
|---|---|---|---|---|---|---|---|---|---|---|
| White Ash, | Traxinus Americana, | .772 | 3450 | 25.74 | 547 | 28.78 | 888 | 31 | 6h. 40 m. | 77—cord. |
| Apple tree, | Pyrus malus, | .697 | 3115 | 25. | 445 | 23.41 | 779 | 33 | 6 40 | 70 |
| White Beech; | Fagus sylvestris, | .724 | 3236 | 19.62 | 518 | 27.26 | 635 | 23 | 6 | 65 |
| Black Birch, | Betula lenta, | .697 | 3115 | 19.40 | 428 | 22.52 | 604 | 27 | 6 | 63 |
| White Birch, | Betula populifolia, | .530 | 2369 | 19. | 364 | 19.15 | 450 | 24 | 6 | 48 |
| Butter-nut, | Juglans cathartica, | .567 | 2534 | 20.79 | 237 | 12.47 | 527 | 42 | 6 | 51 |
| Red Cedar, | Juniperus Virginiana, | .565 | 2525 | 24.72 | 248 | 12.52 | 624 | 50 | 6 40 | 56 |
| American Chestnut, | Castanea vesca, | .522 | 2333 | 25.29 | 379 | 19.94 | 590 | 30 | 6 40 | 52 |
| Wild Cherry, | Cerasus Virginiana, | .597 | 2668 | 21.70 | 411 | 21.63 | 579 | 27 | 6 10 | 55 |
| Dogwood, | Cornus florida, | .815 | 3643 | 21. | 550 | 28.94 | 765 | 26 | 6 10 | 75 |
| White Elm, | Ulmus Americana, | .580 | 2592 | 24.85 | 357 | 18.49 | 644 | 34 | 6 40 | 58 |
| Sour Gum, | Nyssa sylvatica, | .703 | 3142 | 22.16 | 400 | 21.05 | 696 | 33 | 6 20 | 67 |
| Sweet Gum, | Liquidambar styraciflua, | .634 | 2834 | 19.69 | 413 | 21.73 | 558 | 26 | 6 | 57 |
| Shellbark Hickory, | Juglans squamosa, | 1.000 | 4469 | 26.22 | 625 | 32.89 | 1172 | 36 | 6 40 | 100 |
| Pig-nut Hickory, | Juglans porcina, | .949 | 4241 | 25.22 | 637 | 33.52 | 1070 | 32 | 6 40 | 95 |
| Red-heart Hickory, | Juglans laciniata? | .829 | 3705 | 22.90 | 509 | 26.78 | 848 | 32 | 6 30 | 81 |
| Witch-hazel, | Hamamelis virginica, | .784 | 3505 | 21.40 | 368 | 19.36 | 750 | 39 | 6 10 | 72 |
| American Holly, | Ilex opaca, | .602 | 2691 | 22.77 | 374 | 19.68 | 613 | 31 | 6 20 | 57 |
| American Hornbeam, | Carpinus Americana, | .720 | 3218 | 19. | 455 | 23.94 | 611 | 25 | 6 | 65 |
| Mountain Laurel, | Kalmia latifolia, | .663 | 2963 | 24.02 | 457 | 24.05 | 712 | 30 | 6 40 | 66 |
| Hard Maple, | Acer saccharinum, | .644 | 2878 | 21.43 | 431 | 22.68 | 617 | 27 | 6 10 | 60 |
| Soft Maple, | Acer rubrum, | .597 | 2668 | 20.64 | 370 | 19.47 | 551 | 28 | 6 | 54 |

(Concluded on the following page.)

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Large Magnolia, | Magnolia grandiflora, | .605 | 2704 | 21.59 | 406 | 21.36 | 584 | 27 | 6 | 10 | 56 |
| Chestnut White Oak, | Quercus prinus palustris, | .885 | 3955 | 22.76 | 481 | 25.31 | 900 | 36 | 6 | 30 | 86 |
| White Oak, | Quercus alba, | .855 | 3821 | 21.62 | 401 | 21.10 | 826 | 39 | 6 | 20 | 81 |
| Shell-bark White Oak, | Quercus obtusiloba? | .775 | 3464 | 21.50 | 437 | 22.99 | 745 | 32 | 6 | 20 | 74 |
| Barren Shrub Oak, | Quercus catesbæi, | .747 | 3339 | 23.17 | 392 | 20.63 | 774 | 38 | 6 | 30 | 73 |
| Pin Oak, | Quercus palustris, | .747 | 3339 | 22.22 | 436 | 22.94 | 742 | 32 | 6 | 20 | 71 |
| Shrub Black Oak, | Quercus banisteri, | .728 | 3254 | 23.80 | 387 | 20.36 | 774 | 38 | 6 | 30 | 71 |
| Red Oak, | Quercus rubra, | .728 | 3254 | 22.43 | 400 | 21.05 | 630 | 30 | 6 | 20 | 69 |
| Barren Oak, | Quercus ferruginea, | .694 | 3102 | 22.37 | 447 | 23.52 | 694 | 29 | 6 | 20 | 66 |
| Rock Chestnut Oak, | Quercus prinus monticola, | .678 | 3030 | 20.86 | 436 | 22.94 | 632 | 28 | 6 | | 61 |
| Yellow Oak, | Quercus prinus acuminata, | .653 | 2919 | 21.60 | 295 | 15.52 | 631 | 41 | 6 | 10 | 60 |
| Spanish Oak, | Quercus falcata, | .548 | 2449 | 22.95 | 362 | 19.05 | 562 | 30 | 6 | 20 | 52 |
| Persimon, | Dyospyros Virginiana, | .711 | 3178 | 23.44 | 469 | 24.68 | 745 | 30 | 6 | 30 | 69 |
| Yellow Pine, soft, | Pinus mitis, | .551 | 2463 | 23.75 | 333 | 17.52 | 585 | 33 | 6 | 30 | 54 |
| Jersey Pine, | *Pinus inops.* | .478 | 3137 | 24.88 | 385 | 20.26 | 532 | 26 | 6 | 40 | 48 |
| Pitch Pine, | Pinus rigida, | .426 | 1904 | 26.76 | 298 | 15.68 | 510 | 33 | 6 | 40 | 43 |
| White Pine, | Pinus strobus, | .418 | 1868 | 24.35 | 293 | 15.42 | 455 | 30 | 6 | 40 | 42 |
| Yellow Poplar, | Lyriodendron tulipifera, | .563 | 2516 | 21.81 | 383 | 20.15 | 549 | 27 | 6 | 10 | 52 |
| Lombardy Poplar, | Populus dilatata, | .397 | 1774 | 25. | 245 | 12.89 | 444 | 34 | 6 | 40 | 40 |
| Sassafras, | Laurus sassafras, | .618 | 2762 | 22.58 | 427 | 22.47 | 624 | 28 | 6 | 20 | 59 |
| Wild Service, | Aronia arborea, | .887 | 3964 | 22.62 | 594 | 31.26 | 897 | 29 | 6 | 20 | 84 |
| Sycamore, | Acer pseudo-platanus, | .535 | 2391 | 23.60 | 374 | 19.68 | 564 | 29 | 6 | 30 | 52 |
| Black Walnut, | Juglans nigra, | .681 | 3044 | 22.56 | 418 | 22. | 687 | 31 | 6 | 20 | 65 |
| Swamp Whortleberry, | Vaccinium corymbosum, | .752 | 3361 | 23.30 | 505 | 26.57 | 783 | 29 | 6 | 30 | 73 |

I have not been able to make a complete analysis of the ore of Mr. Embree's establishment—one specimen which I took with me when visiting his works gave me about fifty per cent. of iron, some zinc and lead—this ore was composed of small fragments and grains, mostly composed of hydroxide of iron, but too much injured to give a mineralogical description of it.

The description and analysis of this and other iron ores of East Tennessee, which is rich in iron must be postponed for the present; till I shall have received the specimens which I know are now on their way to Nashville, and the result of my labors will be communicated in my next report.

---

I have examined a vein of iron ore which runs along the base of the eastern declivity of Cumberland mountains, where I have traced it with some interruptions for about fifty or sixty miles. It furnishes the ore for the works of Mr. Gordon and Kimbrough. This ore belongs to the red oxides of iron and is known under the name of scaly red iron ore. According to my analysis of a pure specimen, it contains:

| | |
|---|---|
| Peroxide of iron, - - - | 93,00 |
| Carbonate of lime, - - - | 3,50 |
| Alumma and Silex, - - - | 2,00 |
| Loss, - - - - - - | 50 |
| | 100,00 |

---

The iron ore of Blooming Grove creek, Montgomery county is considered as the most valuable ore in Tennessee, because the iron it produces is very good and the ore is easily worked, it is nevertheless not as rich in iron as some of our other West Tennessee ores; it is composed of

| | |
|---|---|
| Peroxide of iron, - - | 72,00 |
| Water, - - - - | 16,00 |
| Alumina and Silex, - - | 8,50 |
| Loss, - - - - | 3,50 |
| | 100,00 |

This ore occurs generally in Stalactical concretions and is known amongst the workmen under the name of *Pipe ore*. It is of an orange brown color, not hard and formed of a combination of cylindrical Stalactites closely connected together.

The same furnace possesses another bank; its ore is more complicated. It contains some pitchy iron ore—the proprietors have neglected to send me the specimens which I had requested, and judging from the small fragment which I took with me it seems to contain some Sulphur and Phosphorus, and must therefore yield an iron of bad qualities.

The vein of Pipe ore runs from Blooming Grove creek in a southern direction, and may be traced on the left side of Cumberland river, where it is visible at some places, to the furnace called Sailors Rest,

where a good ore is worked, somewhat of the same kind as the Pipe ore of Blooming grove furnace.

Towards the west of Blooming grove furnace are extensive deposits of iron ore, but no works are as yet erected there.

---

The furnace of the late Col. Love in Perry county possesses extensive ore banks. The ore of the bank called "March Bank" is a mixture of brown Hæmatite and compact brown iron stone—this is a pure ore and yields as much iron as any of the ores of Middle Tennessee. The ore of the "Perry Bank" is compact brown iron stone and liver ore, as it is technically called, more or less intermixed with earthy matter, nevertheless it is good ore and smelts somewhat quicker than the former. The ore of the "Cow Hollow" bank is compact brown iron stone.

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The ores of Mr. Vanlier's iron works situated in Dickson county—it is also a mixture of brown iron stone, Hæmatite, and pulverulent varieties of the same ore and gave me on an average about sixty per cent. of iron.

---

Mr. N. C. Napier works the *Ætna furnace*, situated 3½ miles from Duck river, in Hickman county, possess extensive ore banks—he ore is composed of brown iron stone, brown Hæmatite and the earthy varieties and yield equally well as the ores already mentioned.

Mr. Napier had the kindness to contribute his part to my contemplated statistical account already mentioned.

His furnace is conducted by water power, which is pretty constant. The works have not been long in operation, but judging of what has been done, Mr. Napier calculated that they will produce 1200 tons of pig metal and castings per year, for which he uses 2400 tons of ore, and 6500 cords of wood at about 40 cts. per cord, and employs

1 Master Collier,
10 Assistant colliers,
2 Wood haulers,
6 Men in the banks,
8 " in the upper part of the furnace,
9 " in the lower do.
4 " team drivers,
3 carts with oxen,
4 teams with mules.

---

## SILVER ORE.

I had the good fortune during my last excursion to make a discovery which may eventually be of great importance. Stopping for the night at the house of Capt. Eastland, on Clifty creek, on the Cumberland mountains, he handed me some small fragments of ore. As it was night, and candle-light not being fit to discriminate minerals, I told him that I should examine it when I arrived at home; they were ac-

cordingly wrapped up in paper and marked with his name. Next morning I left that place, and passing through Sparta, I descended to the Calf-killer creek to water my horse; my attention was there attracted by something uncommon amongst the gravel; I dismounted and took up the substance which had drawn my attention. Not being willing to remain longer amongst the dangerous miasmata which were rising at that time from this creek, and which had infected the whole town, I did not think it prudent to examine this place further. When at home, I examined both these ores, and found that the fragment of Capt. Eastland, as well as that found by me on the Calf-killer, was sulpuret of silver, that of Capt. Eastland containing also sulphuret of lead; that found on the Calf-killer was pure sulphuret of silver covering and penetrating crystalised fluate of lime.

The sulphuret of silver is one of the richest silver ores; when pure it contains:

| | |
|---|---|
| Silver, | 87 |
| Sulphur, | 13 |
| | 100 |

I am at a loss to make any conjectures as to the locality of this ore. The banks of the Calf-killer, which takes its origin in the Cumberland mountains, only a few miles(perhaps twenty) to the north of Sparta, are mostly composed of oolitic limestone, of which mention is made in this report, and this limestone is covered here and there by the sandstone of the coal formation, and no vein of silver or fluate of lime can be expected to be found in it. It is the same with the oolitic limestone, which is the highest stratum of our mountain limestone series, in which I never found any metallic vein or other mineral substance, it must therefore belong to some older rocks. The only stratum, for as much as I know, in which fluate of lime is found, is in Smith county. Now the perpendicular height of the Calf-killer is much elevated above the place where the fluate of lime is found, which is not far from the Cumberland river, about 400 feet below Sparta. I do not know from whence Capt. E. obtained his specimen—as he told me it was about 15 miles from his residence.

## MINERAL WATERS.

I have analyzed several mineral waters, which generally belong to what is called Sulphur waters, that is, waters impregnated with sulphuretted hydrogen gas, and a few chalybeate waters. Most of these analyses have been published in our periodical papers. One which I have analyzed lately has not yet appeared before the public; it is a water from the Cumberland mountains—the spring belongs to Mr. Hoffman—it contains:

20 fluid ounces—Carbonic acid, 3 cubic inches,
Oxide of Iron, 1,85 grains,
Sulphuric acid,
Sulph. of lime,
——— Magnesia, } A trace.

# APPENDIX.

*Organic remains discovered in the State of Tennneseee, by G. Troost, all of which are in his Cabinet.*

MOLUSCA.

1. Ostrea vesecularis, Brongt. var testa rostrata libra.

From the calcareous marl near Purdy, M'Nairy county.

Ostrea vesecularis is described under various names, and is referred to two genera. It was first made known as O. vesecularis, by Brongniart and Cuvier (Ossem. Foss. v. tab. 3 fig. A. D.) and was adopted under that name by Lamark (vi. p. 219.) Sowerby describes it as gryphæa dilatata (tab. 149.) and G. globosa (tab. 392.) Von Scholtenheim, under the name of gryphites truncatus. Morton under gryphæa mutabilis. As Brongniart has the priority, I adopt his name.

One of my specimens has on its inferior valve a Pholas perhaps P. petricola; others are covered with reticulated zoophites.

In some specimens the original structure of the shell has disappeared, and it has now a fibrous structure, the fibres running rectangularly with the surface of the shell. A similar structure is obsèrved in the inocerama and in the trichite which are found in Europe in the oolite.

2. Ostrea vesicularis, testa truncata adhærens et auriculata. These specimens show more or less the truncation of the beak, and the greater or smaller extension of the lateral margin.

Same locality as the preceding.

3. Ostrea falcata? Mortion.

It differs perhaps specifically from the O. falcata, and seems to be intermediate between O. falcata, and O. pectinata.

Same locality.

4. Ostrea sandalina, Goldf.

This ostrea corresponds with the description and figures in Goldfuss's work (Pl. lxxix. fig. 9,) but the species described by him occurs in the oolite formation, whereas ours occurs in the cretaceous marl and green sand in M'Nairy county.

5. Ostrea acutirostris, Nilson.

Green sand, same locality.

6. Ostrea flabellula, Lamk.

Same locality.

7. Ostrea lateralis, Nilson.

Same locality.

8. Ostrea larva, Lamk.

Same locality.

9. Gryphæa convexa, Say.

Cretaceous marl and green sand—same locality.

10. Exogyra costata, Say.

Same locality.

This genus, according to Goldfuss, was introduced by Sowerby; I believe this is a mistake. Say first described the E. costata in Silliman's

Journal. The species since introduced by Sowerby into this genus, were first described by him as chama.

11. Exogyra (not determined.)

Same locality.

12. Eleven species of Cardium, (not determined.)

These cardia all belong to the mountain limestone of Middle Tennessee; some of them occur also near Louisville Ky., one resembles more or less the cardium aliforme Sowerby, another the C. élongatum of the same author, another the C. gracile, Munster.

13. Terrebratula Wilsonii, Sowerby,

This fossil characterizes an argillaceous limestone which is abundant on the western side of Tennessee river in Perry county, West Tennessee, which I consider as transition. It is associated with Calceola sandalina, Pentremites Reinwardii, nobis several Crinoidea, Terrebratula aspera and Trilobites.

14. Terebratula aspera, Schloth.

Same locality—characterizes the same stratum.

15. Terebratula prisca, Schloth.

Rare in the mountain limestone in Tennessee; abundant near the falls of the Ohio at Louisville.

16. Terrebratulu. More than fifty species, which I have not been able to determine for want of the proper books, no doubt but several of them will be found new—they all belong to the mountain limestone of Middle Tennessee and of the eastern part of the Western District of Tennessee. I found one of these terrebratula in the siliceous stratum, having the appearance of Tripoli mentioned in the report, (see page 17.) This stratum which is almost void of organic remains contains in a single spot several fossils, amongst which is this terrebratula, a Pinna Gorgonia antiqua and others. This stratum is below the coal measures.

17. Strophomenes rugoso, Raf.

Mountain limestone Middle Tennessee (very abundant.)

18. Strophomenes. Six pieces not yet determined.

I have several of the Strophomenes rugosa and other species, the valves of which are separated. I find the teeth similar to those of the terrebratula, the beak being perforated for a byssus, also the hinge similar in both.

19. Pinna, (not determined.)

Siliceous stratum in Middle Tennessee.

The specimens of rock in which these Pinna are imbedded contain also pens and hexagonal pieces of echini, also a fossil which resembles somewhat a Hiponice, and Gorgonia infundibuliformis.

The Pinna is no where found in such low series of rocks, according to Goldfuss they begin to make their appearance in Keuper, Lias and Oolite where they are rare, they become more abundant in chalk and a few are found in the tertiary formation. I have no doubt, as I have already mentioned, that this siliceous stratum lies below the coal measures.

20. Calceola sandalina. Mountain limestone, Perry county.

The two valves are very seldom found connected together. They are mostly the lower valves I found two which had both valves well preserved.

I am not certain whether this Calceola is the same as that described by the European Paleontologists—certainly the figures in the Dict. des Sc. Nat. and in Dict. d'Hist. Nat. do not resemble our fossil.

21. Producta depressa.

Mountain limestone, and in a siliceous stratum in Perry county.

This siliceous alternates with the encrinital limestone is characterized by Asaphus megalopthalmus nobis and other Trilobites; it contains also Calceola Sandalina, Pentremites, Reinwardii nobis, Terrebratula Wilsonii, and T. aspera.

22. Producta. Perhaps twenty different species not determined.

From the mountain limestone, and siliceous stratum in Middle Tennessee and the eastern part of the Western District.

23. Spirifer cuspidatus, Sowerby.

Encrinital stratum near the Harpeth river, Davidson county.

24. and 25. Pterinea, two species undetermined.

Limestone in Perry county.

These two species have all the generic characters of the Pterinea of Goldfuss, (Goldf. vol. ii. p. 133,) they are found on the western side of the Tennessee river in the places, there called glades, which are barren elevations, composed of an argillaceous limestone very susceptible of disintegration. They are associated with Calceola sandalina, Pentremites Reinwardii, Calimene Blumenbachii, several crinoidea and Zoophites. I always considered these strata as belonging to the superior part of the mountain limestone series; they are there covered by strata of the cretaceous group, which are characterised by Exogyra and several Ostrea similar to those of New Jersey. Now the genus Pterinea, according to Goldfuss is only found in grauwacke and transition limestone. "Die arten diezer gattung finden sich meistens nur als abdriucke and steinkerne in der grauwaucke, seltener mit der erhaltenen schale im uerbergangskalk." This circumstance would place the strata in Perry county lower than I am inclined to place them, I doubt also, whether the mineralogical character of this limestone entitles it to that geological situation.

26. Conotubularia Cuiverii, nobis.

Mountain limestone near Nashville.

The species of this new genus whose internal annulated tubes, are generally called by the people petrified tails of rattlesnakes and of which more complete specimens, showing the edges of the curvated septa, have been described by Judge Haywood as remains of fish,* belong to the multilocular shells, approaching the orthoceratite. My

*Judge Haywood says that it is on the authority of our much lamented friend Dr. Roane that he attributes it to fish, whereas Dr. Roane when he first showed him the fossil, told him that it resembled somewhat the bone of a fish, that it could not belong to any of the fish tribes, (communicated to me by Dr. R.)

description of it has been published in the Memoirs de la Societe Geologique de France.

27. Conotubularia Goldfussii, nobis.

Same locality.

28. Conotubularia Brongniartii, nobis.

Same locality.

29. Belemnites?

I have several multilocular shells which do not belong to the Orthocerate, but they approach much to belemnites as described at present, (see DeBlainville, Memoire sur les Belemnites, and Buckland's Bridgewater treatise on Belemnosepia. I have several other straight multilocular shells which will form perhaps some new genera.

30. Orthoceratites Defrancii, nobis.

My description of this fossil is published in the memoirs of the geological society of France. At the time when I wrote the description, I was not well acquainted with this fossil, having only very imperfect specimens, nor was I well acquainted with its geological relations.—Since that time I have frequently visited that locality, and have found specimens which still contain part of the original shell, which has confirmed me in the idea that it was not the Orthoceratite annulatus. (Sowerby,) as I suggested in that memoir, I therefore adopt the name of the distinguished Palæontologist Defrance, as proposed in my memoir, in case it should prove new. The specimen now before me shows very handsomely the syphon and the convexity of the septa, it is seven and a half inches in length and its largest diameter about two and a half, part of its shell is yet preserved, it is striated longitudinally, showing at the same time the edges of the lamina of which the shell is composed, which produce transversal striæ.

It occurs in the upper strata of the mountain limestone which prevailed in Perry county, and which are visible near the Tennessee river. This limestone has an earthy aspect, an argillaceous smell and is composed according to my analysis, of

| | |
|---|---|
| Carbonate of lime, | 87 |
| Earthy matter and water, | 13 |
| | 100 |

and is characterised by Calceola sandalina, Terrebratula Wilsonii, T. asper, Pentremites Reinwardii, Calimena Blumenbachii, several Crinoidea, Pterinea and other fossils, and this limestone is covered towards the west by ferruginous Sandstone, Marl and Green sand; and towards the east by the siliceous strata which contains the iron ore in Middle Tennessee.

31. Orthoceratite, (perhaps new.)

Mountain limestone near Nashville.

My specimen wants both its extremities—it is slightly conical, transversely somewhat eliptical. It is the largest of the kind that I have seen in Tennessee, though only a fragment, it is twenty inches long and five inches in diameter—the concavity of the septa is very considerable, so as to form a segment of a circle of three inches diam-

eter, they are about three fifths of an inch apart. I have not been able to ascertain the position of the syphon.

32. Orthoceratite, (several different kinds not determined.)

All from the mountain limestone of Middle Tennessee.

33. Conilites capricornulus, nobis.

Mountain limestone Davidson county.

This fossil coincides with the description of the genus conilites as it is given by DeBlainville, (Manuel, p. 370) but it forms a new species.

Shell conical, curvated like a horn and formed by a series of simple septa—a margo-dorsal syphon, placed immediately against the shell.—The syphon is more or less extended between the septa. These septa are slightly concave. The transversal section is circular.

34. Conilites, (several species not determined.)

Mountain limestone Davidson county.

35. Polycronites Haanii, nobis.

Mountain limestone Harpeth ridge; also near Columbus Ohio.

This is certainly the most magnificent multilocular shell known. I have long been acquainted with it and have described it in a mutilated state, it being only an internal cast. It is not an easy matter to give an intelligible description without a drawing of a fossil so singularly constructed; suffice it therefore to say:

Shell sub-cylindrical, more or less conical, bent slightly spirally upon itself, composed of truncated cones or bell shaped pieces with an extended, ample festooned border, inserted the one into the other, having a common axis through the whole shell. It is internally divided into a series of chambers, separated by single septa, which are externally concave and dorsally pierced by a simple syphon.

The shell is very thin and it is probable that the animal partly enveloped it, because it would otherwise be difficult to conceive how these extenuated edges would have withstood the rolling of the waves; besides, as far as I have been able to determine from the imperfect specimens under my examination, there seems no fit habitation for the animal in the shell, it being entirely filled up by septa. It is very rare to find a specimen so well preserved as the one which has served for the figures, which will be published in the memoirs of the Geological Society of France. The one in my possession is, I believe the only one that exists in any collection, and it was by means of acids that I have partly detached it from the limestone in which it was imbedded; the shell being siliceous. It is 13 inches long and its diameter at its thinnest extremity is two inches, that of the other two and a quarter inches.

As I observed above the P. Haanii occurs in the mountain limestone in Davidson county. I am indebted also to the politeness of Mr. Buchanan of Cincinnati for a specimen which was labelled ammonites imbricata in Lias, near Columbus Ohio. I am not acquainted with the geology of the vicinity of Columbus, but judging from some specimens of rock and organic remains which I have seen from that place I doubt very much whether the Lias exists there. It is wrong to place the Polycronites amongst the Ammonites.

36. Spirula Mortonii, nobis.

Mountain limestone Perry county. Perhaps this fossil will form a new genus, but I am not inclined to increase the number of genera if unnecessary. Our fossil is a multilocular shell, and has several characters in common with the established genus spirula. I have described it under the name of S. Mortonii in a memoir to the Geological Society of France. I discovered it first in an earthy limestone on the western bank of the Tennessee river, Perry county, where it occurs with Trilobites, Calceola, and several other bivalve shells characterizing the transition series. I have since received some specimens from the vicinity of Columbus Ohio.

37. Hamites Verneuilii, nobis.

Greene and M'Nairy counties.

Shell elongated, sub-cylindrical, transversely elliptical or circular according to the place where the section is made, it being elliptic near the extremities and almost circular about the middle at the curvature where it has its greatest diameter; having two branches of unequal length; it is surrounded with ribs, which are sometimes transversal on the short branch, sometimes oblique on the long branch; they are simple around the two extremities and bi-and even tri-forked around the middle or curvated part. These ribs, particularly on the most elevated part of the curvature, are furnished with tubercles, which are placed irregularly in the channels or upon the intermediate elevations or ribs; the greatest tubercles are on the most elevated part of the curvature, and diminish gradually towards the extremities of the branches where they disappear altogether.

I have described and figured it in a memoir for the Geological Society of France. This Hamites, which like all those that have been described, is an interior cast, was still covered, when I found it with its external shell which was very thin, and so much decomposed that when dry, it fell off altogether, and is now only covered with its interior enamel which must have possessed the most brilliant opalescent colors, which are still visible on its surface, particularly when it is moistened. The edges of the septa are not visible, so that I cannot say whether they are simple or lobed and dentated, nor have I been able to determine the position of the syphon.

The H. Verneuilii occurs of different sizes. I have a fragment of one in my collection which is about one fourth thicker than the specimen here described, and Dr David Dale Owen, has one from the same place which is twice as large.

38. Hamites Leaii, nobis.

Green sand, same locality.

Shell elongated transversely irregularly elliptic, having at one of its extremities a slope, while the other extremity terminates in a projecting point. It is furnished with transversal ribs—these ribs do not run entirely round the whole shell, but disappear on the interior side where there is an excavation which is filled up by the other branch which diminishes gradually till it terminates in a point. The curvature is very abrupt and short.

As my specimen is only an internal cast, the edges of the septa are

not visible. In fact I have not been able to ascertain whether or not it had septa, and consequently I could not determine the position of the syphon.

39. Baculites. Same locality.

I am not sure whether it is described. It does not resemble those described by Mr. Morton.

40. Conularia Sowerbii, Defr. Mountain limestone near Nashville, and its siliceous stratum on Harpeth ridge.

I doubt, judging from the specimens now before me, whether this equivocal genus, (about which naturalists yet disagree whether it belongs to the Polythalamites or not,) is a shell at all. I possess besides some fragments, an entire individual, which resembles perfectly the figure given in the Dict. des. Sc. Nat. pl. xxxiv. figure 2, it being more or less combressed. Its surface nevertheless is not exactly similar to that represented in the above mentioned plate. The transversal striæ which are represented on this figure are very visible upon all the fragments, but the interstices between these striæ, exhibit an organization of very delicate fibres, by which these striæ, (which are also a kind of coarser fibers,) seem to be connected and offer when magnified, such a surface as is probably not possessed by any shell. I have described and figured this fossil in a memoir to the Geol. Soc'y. of France, and having given there an exact magnified representation of this surface. I have yet to observe that all the specimens, whether calcareous or siliceous, that have come under my observation are compressed, sometimes very much. I possess a fragment of which each quarter is twenty-five milimetres, and the whole thickness of the specimen is no more than nine milimetres. Is it not singular that a shell which is furnished with transversal septa, which assist so eminently, some delicate varieties of Nautilites, to support the external pressure, should all be compressed? My doubts expressed above whether it really belongs to the molusca or founded upon the two above mentioned facts, namely its surface and it being very uncertain whether it possesses septa in its interior.

41. Bellerophon Nashvillensis, nobis.

Mountain Limestone in Davidson county.

This shell is smooth, its mouth entire and surrounded with a thick rounded margin formed by the accumulation of the laminæ which compose this shell. I found it first in a singular stratum of limestone which occurs at several places in Davidson county, which is at some places entirely made up of fragments of these shells, of Orthoceratites, Venus, and several others. These fragments are all water worn, and would induce the belief that they had been rolling a great while on a sea beach. I never found an entire shell in this stratum. This stratum replaces irregularly here and there the common mountain limestone in this county, but there is no doubt that it was of a contemporaneous formation with tht mountain limestone, because it is covered at several places by the latter.

42. Bellerophon—(perhaps seven not determined species.)

Mountain Limestone, Middle Tennessee.

Most of these Bellerophons are siliceous, some of them of large size,

(about three inches.) Some occur in the superior strata of this mountain limestone group, and are then associated with Stylines, Pentremites, Syringopora and other Zoophites. Sometimes they are found in the lower strata, where they are associated with Orthoceratites, Conotubularia, Isotellus, etc.

43. Solarium Leaii, nobis.

Mountain limestone, Rock Island, in Caney Fork, Tennessee.

44. Solarium, (two not determined species.)

These two Solaria differ from each other and the preceding species. The one was found accompanied with Orthoceratites in mountain limestone in Smith county, opposite Carthage. The other in a siliceous stratum belonging to the same group, near Lagrange Iron Works, in Stuart county.

45. Euomphalus, (not determined.)

From the siliceous part of the encrinital limestone in Davidson co.

46. Euomphalus? (not determined.)

This species differs generally from the preceding; it forms perhaps an intermediate genus between Solarium and Euomphalus.

47. Maclauites magna Lesueur, Euomphalus Maclurii, Brongt.

Mountain limestone and grauwacke limestone.

The superior strata of the grauwacke series between Kingsport and Rogersville, Hawkins county, East Tennessee, and particularly the stratum of blackish grey limestone at Kingsport, contain large numbers of this shell. They are also found, though rarely, in the mountain limestone in Middle Tennessee.

48. Maclurites striata, nobis.

Grauwacke limestone—same locality.

Eesueur seems to have been acquainted only with the preceding species, which has a smoth shell. The species here mentioned has its shell striated.

49. Trochus, (undetermined species.)

Mountain limestone, near Nashville.

50. Turbo bicarinatus, nobis.

Mountain limestone, Middle Tennessee.

This shell eminently characterizes some of the strata of Middle Tennessee—the rock is sometimes covered with it, and being mostly silicicieous, it is easily separated by acids from the limestone.
It is associated with Orthoceratites and Bellerophon.

51. Turbo, (perhaps six undetermined species.)

Mountain limestone, Middle Tennessee.

52. Natica, (undetermined.)

Mountain limestone, Perry county.

It is surprising to find this genus in our mountain limestone. In Europe, according to DeFrance, eight species have been found in a fossil state, one being identical with a living species, and is found in strata posterior to chalk. It is of rare occurrence here; I found only two specimens, one remarkably well preserved. It resembled in figure somewhat the Natica mamella; its spire is not so much elevated as in N. mamella.

53. Natica, (undetermined.) Green sand, M'Nairy county, Tenn.
54. Malania?
Mountain limestone, Middle Tennessee.

I found these shells in Smith county. They have the generic characters of the Melania. and are associated with Conulite, Orthociratite, Bellerophon, and others.

55. Trochus, (several undetermined species.)
Mountain limestone, Middle Tennessee.
56. Velutine.
Mountain limestone, Perry county.

This shell resembles the figure of V. capuloide in DeBlainville's Manual (pl. 42, fig. 4.) But it has not yet been found in a fossil state.

57. Hipponyx?
Mountain limestone and encrinital limestone in several places of Middle Tennessee.

This fossil resembles in its external appearance the Hipponyx of De France, it being conoid and curvated backward, and its aperture being surrounded by an irregular border. No mark of a hinge is visible.—As the specimens in my cabinet are all filled with materials of the rock in which they were imbedded, I am not able to determine whether the peculiar impression characterizing this genus exists in the interior of the shell. I am also uncertain whether it was fixed to any support, as is the case with the Hipponyx.

58. Rostellaria macrodactila, nobis.
Green sand, near Purdy, M'Nairy county.

I call this species macrodactila, from its long finger-like projections; it is one of the finest shells that I have found in the green sand; it is partly embedded in this rock, spreading its slender extensions for about 1½ inches over it.

59. Delphinula?
Green sand, same locality.
It has some resemblance with D. lapidosa, Morton.
60. Turritella inbricataria.
Green sand, same locality.
61. Dentalium, (undetermined.)
Green sand, same locality.

TRILOBITES.

62. Calimene Blumenbachii, Brongt.
Mountain limestone in Perry county.

It occurs in an argillaceous limestone susceptible of decomposition, accompanied with Calceola, Pentremites and other Radiata; also with some other species of Trilobites.

63. Asaphus megalopthalmus, nobis.
Siliceous stratum subordinate to the mountain limestone, same locality.

This Asaphus is very remarkable for its large projecting eyes on which the tubercles, such as are seen on the eyes of some insects and crustaceous animals, are yet visible.

64. Isotellus gigas, Dekay. Mountain limestone in Middle Tenn.

While writing this report, the Rev. Mr. Howell of this place presented me with a very fine specimen of this species which I had not yet discovered in our State—he found it near Fayettville—it is not entire, its head is wanting, the abdomen is 2 3-10 inches, and the tail 2 9-10 inches in length.

This specimen, as much as I have of it, is in a good state of preservation and imbedded in a compact limestone of a gray color and slaty structure.

65. Isotellus planus.

Mountain limestone in Davidson county.

66. Trilobites, (several belonging to different genera.)

Mountain limestone, particularly Perry county.

67. Crustacea, (not determined.)

I have in my cabinet parts of several undetermined Crustacea which differ generically from any of that class of animals hitherto described. They all occur in the mountain limestone of Perry county. Amongst my undetermined Trilobites, I have one from the vicinity of Nashville approaching the Asaphus micrarus, Green, one found in Perry county approaches the Asaphus Hausmanii, Brongt. another the A Debuchii, Brongt.

ZOOPHITES.

68. Pentremites ovalis, Gold.

It occurs in a stratum which separates the coal measures from the mountain limestone, particularly at the base of the Cumberland mountains, where the limestone has an oolitic structure, as east of Sparta, Crab Orchard and other places.

69. Pentremites florialis, Say.

Same locality and geological position.

Whether this species is distinct from the preceding, I am not able to determine.

70. Pentremites globosa, Say. Same locality.

71. Pentremites pyriformis, Say.

Mountain limestone, near Sparta and Sequatchee valley.

72. Pentremites Reinwardtii, nobis.

Mountain limestone, Perry county, accompanied with Calceola, Calimena, Terrebatula Wilsonii, and others. (1)

73. Eugeniacrinites melliformis, Goldf.

Mountain limestone, Perry county.

74. Asteras antiqua, nobis.

Mountain limestone, near Harpeth river, Davidson county.

I have described this fossil in the Transactions of the Geological Society of Pennsylvania, as is mentioned already in this report. See note page 4.

I have already published two memoirs on Echinodermata in the

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(1) I have written an elaborate memoir on the genus Pentremites and its geological position in Tennessee, Alabama and Kentucky. (See Transactions of the Geological Society of Pennsylvania.)

Transactions of the Geological Society of Pennsylvania, in which several of these remains are described, and I am now preparing a large work on the remains of these animals of a former world. Certainly no country is as rich in these remains as the State of Tennessee. I have already several drawings representing fifty-five species, and all those in my cabinet are not yet figured. The State of Tennessee alone will perhaps double the number of those that have been described.

75. Tragos sphæroides, Goldf.

The form of this fossil is hemispherical; it has on its upper surface excavations which are marked with irregularly scattered pores and small star-shaped furrows. These excavations, as Goldfuss has observed in a section of it, are oral apertures of tubes which enter the body.

The above description partly translated from Dr. Goldfuss, (see "Abbildungen und beschreibunge der Petrefacta,") is exactly applicable to our fossil, but the internal structure of ours seems to differ from that of those described by that naturalist. If we examine a vertical section we see that they are composed of a collection of small capillary tubes, radiating irregularly from the centre of the stem towards the external surface, anastomising at several places. The lower surface is sometimes smooth and sometimes shows edges as if they were formed of concentric layers, which nevertheless are not perceptible in its interior; from its centre projects a thick short stem. We see from this description that it differs more or less from the T. sphæroides.

It is doubtful according to DeBlainville whether the T. sphæroides is really a Tragos, because, he says, (vol. 60 p. 506,) "elles ont de veritables etoiles;" these stars are not in our specimens, but as mentioned above, they are covered with small star-shaped furrows.

In a specimen of which the diameter is 2¾ inches, the stem has one inch in diameter, and is about half an inch in length. It was fixed on a Syringopora, of which some fragments are attached to the stem of one of those in my cabinet. They are siliceous, and were discovered by me in Perry County, about one mile from the Tennessee river, associated with Trilobites, Encrinites, Calamopora, Achilleum foungiforme, and other fossils. In this respect they differ from those described by Goldfuss, which were found in Jura limestone in Wurtemburg.

76. Achilleum fungiforme, Goldf.

The form of this polypifer is turbinate, sometimes more or less spherical, furnished with a stem, which nevertheless is perceptible in only a few of my specimens. Its lower surface has a close tissue with elongated inequalities, the uppermost, on the contrary, shows a loose irregular texture with excavated inequalities, and furrows running from the centre which is concave. When broken, its internal structure is in some directions porous, while in other directions it is more or less striated; the striæ radiate from what may be called a centre, though it does not occupy the centre of the mass, but is situated more towards its lower surface. These organic remains occur mostly as isolated individuals, but I have in my cabinet one which is formed by the combi-

nation of several of them, (seven or eight,) each individual having its concave centre from which radiate in an irregular manner the furrows mentioned above.

It is siliceous, and associated with Tragos sphæroides and the fossils mentioned in the description of it.

Occurs in Perry county, in the geological situation as T. sphæroides. One of my specimens is imbedded in chert, which seems to contain fragments of Hemitrite, Coelopora, and many other fossils. The A. ramosum described by Goldfuss was found in the arenaceous chalk near Maestricht.

77. Achilleum cheirotomum, Gold.

It is often difficult if not impossible to distinguish the internal structure, and even the external appearance when the body has changed entirely into stone; this is particularly the case with the fossil now under examination. Its external form resembles that given by Goldfuss to the A. cheirotomum; its surface is rough, more or less cariated, and when much magnified exhibits an irregular fibrous structure, but the regular arrangement of square holes as represented by G. is no where perceptible on our specimen. Internally when polished or dipped in water (which has the same effect) they are irregularly fibrous.

They are siliceous, always of the color of a light iron rust, and associated with Cyathophillum gracile. Occur near Brownsport, Perry county, in granular limestone.

78. Cnemidium ramulosum, Gold.

The description given by Goldfuss of this fossil is "Dish-shaped, more or less excavated. The furrows which radiate from the centre are finely striated and tend to unite with one another; they are visible as well on the upper excavation as on the lower convex surface. The upper surface likewise presents small scattered cavities towards which the furrows radiate in a converging manner."

As to their external form, the organic remains which I have found in Perry county, and which I consider the same as those described by Goldfuss under the name of C. ramulosum, resemble the above mentioned fossil, except that the excavated dish is not always circular, it is sometimes oval, sometimes angular; the furrows also mentioned by G. are not easily perceptible on our fossil, sometimes also the lower surface terminates in a point, being funnel-shaped, the funnel being more or less compressed. All this may be owing to its fossilification, ours having changed entirely into flint. The whole is furnished with pores, which no doubt are the orifice of capillary tubes. One which I broke shows a homogeneous flint stone without any organic structure, except on the edges, where also round pores are visible.

Occurs in the same situation with the preceding Achilleum, and is associated with the same fossils.

79. Turbinolia striata, Steinhauer.

From a stratum of granular spathose limestone which lies below the shale near Harpeth river in Davidson county. See my description, Transactions of the Geological Society of Pennsylvania, vol, 1, part 2, page 245.

80. Turbinolia cuneata, Goldf. Same locality. Described by me in the same memoir as the preceding.

81. Cyathophyllum ceratites, Goldf.

Occurs not unfrequently in the limestone of Davidson county, but still more frequently in the glades near Tennessee river, Perry county. Described by me in the same memoir as the preceding.

82. Cyathophyllum plicatum, Goldf.

The form is inverted conical, bent at its base, it is single and free.—It has a bell-shaped excavated terminal cell obliquely opening, and uniform thick lamellæ, which do not regularly run together in the centre but are plaited and distorted.

It is changed into silex and is found associated with Encrinites near White's Creek Springs, and amongst the disintegrations of the Encrinital strata near Harpeth river, Davidson county; also in the black granular limestone above the Encrinital stratum in White county, and more abundant in the vicinity of Louisville, Ky.—they are generally covered with beautiful orbicular calcedonic concretions.

83. Cyathophillum helianthoides, Goldf.

This fossil is single and turbinate. The terminal cell in the young individuals, which begin to polify from the centre, is elongated and becomes inverted conical. The numerous young sprouts then gain space, and shoot out sideways from the broad disk and bend themselves during their growth. They grow into one another and form a coral mass.—The borders of the single terminal cells are, on the surface, mutually circumscribed in their extent and surrounded with an elevated five or six sided border. The extended terminal cell has thick and regular lamellæ which run together in pairs in the excavated centre, here they are twisted and irregularly entangled with other lamellæ. The border is bent downwards and rises again at the circumference.

They occur single and also elongated, as mentioned above, in Perry county, near the Tennessee river, associated with the fossils already mentioned of that locality; they are siliceous.

84. Cyathophillum excentricum, Goldf.

It is inverted conical almost turbinate, obliquely polifying, furnished at the base with roots. The centre of the terminal cell is situated towards the sides, and the border of the preceding one projects widely beyond the opposite border of the following one. The terminal cell is dish-shaped excavated, and has uniform regular rays.

The roots are in some of my specimens handsomely formed, some still attached to the body upon which they lived. I have one, the roots of which nearly surround the stem of an encrinite.

They are siliceous and occur in Perry county associated with the fossils of that locality.

85. Cyathophillum vermiculare, Goldf.

It is sub-cylindrical, elongated, bent with geniculated interruptions and rings, which are formed by the projecting borders of the polifying cells. The terminal cell is bell-shaped excavated and has but a few separate uniform lamellæ.

This petrifaction occurs sometimes of a large size. I have one in

my cabinet which is not complete, its base being broken off; and yet thus mutilated, it is eleven inches long.

They are siliceous. I found a few in the mountain limestone in Davidson county, but they are more abundant near the falls of the Ohio river.

86. Cyathophillum secundum, Goldf.

It is inverted conical with an oblique polifying terminal cell of which the borders run out, or are grown together. The terminal cell is bell-shaped excavatad and the lamellæ are grown together, forming flat vesicles.

They are found in the mountain limestone of Perry county and are siliceous.

87. Cyathophillum gracile, nobis.

The fossil under consideration, appears at the first inspection to belong to the genus Lithodendron, Goldf. occurring often in elongated and interwoven vermicular tubes, terminating in a cup-shaped stellated cell; but a closer examination shows that its polifying differs from that of the Lithodendron and is similar to that of the Cyathophillum.

They form long vermicular tubes surrounded by wrinkles and bending in every direction. They must have been very long when alive. I have some fragments which are three inches long, mostly of uniform thickness which is about one quarter of an inch. The diameter of these tubes is not uniform but is frequently altered by protuberant transversal wrinkled rings, they are delicately longitudinally striated, which stria are formed by the edges of the stillating lamellæ, and terminate in an inverted conical cell, the border of which occupies about one third of its diameter, then runs straight down and terminates in a flat bottom—the sides of this cell being delicately channeled by the projecting edges of the laminæ.

They must have been very abundant in some places. I have a specimen on which they are so crowded that a space of three inches square contains twelve individuals; they are, when so numerous, nearly parallel to one another.

They polify from the sides of the interior of the conical cell; generally two sprouts make their appearance, but I have seen three and four and I have one specimen in my possession in which the rudiments of five young individuals are seen.

They are siliceous, some of the nature of chert, others are calcedonic. They are associated with several species of Achilleum, Astrea, Aulopora, Encrinites Catenipora, Eschara, Flustra, Cocinopora, Gorgonia and others. They occur in Perry county in a coarse crystalline limestone below the aluminous slate—this limestone though it is composed of crystalline grains has nevertheless a strong argillaceous smell. They occur also in a siliceous stratum which resembles tripoli; as that which covers Harpeth ridge.

88. Madrapora repens, nobis.

This coral approaches the genus Madrapora of Lamarck, but the characters of that genus as laid down by Goldfuss are not exactly applicable to our fossil.

It is sub-cylindrical, almost regularly covered with partly projecting pores, which are arranged in longitudinal rows, judging from the part that is visible, there are twelve such rows. The border of the apertures does not lie level with the surface of the body, but opens longitudinally, that is, if examined when the specimen is put horizontally, nearly in the same line with the eye in one direction, the pores will almost disappear, if turned now horizontally in an opposite direction, the pores appear circular, and when examined vertically, the pores are only partly (perhaps two thirds) visible.

They form extended reticulated ramifications; the meshes are regular, and form parasitic expansions upon other marine bodies. The polyp cells originate near the centre, projecting rectangularly, and appear on the surface.

It is siliceous. I have one specimen of four by two and a half inches; it is spread over a siliceous aggregate of fragments of fossils. I have another which serves as a support of Astrea tessellata, nobis. Small fragments occur abundantly with the Cyathophillum gracile at Brown's Port, Perry county.

89. Linipora rotunda, nobis.

This polypifer must form a new genus. Its external shape is either perfectly globular, oval or approaching more or less to the lenticular form. Its internal surface is smooth or irregularly rough, owing to its fossilification. When magnified we perceive round pores regularly scattered over its whole surface which are the oral apertures of small tubes. No vestiges of a stem are perceptible, which show that it was not fixed in its live state.

Internally, when broken through its centre, it is composed of capillary tubes, which are hardly perceptible by the naked eye. These tubes radiate from the centre and anastomose here and there, in proportion as they reach the circumference. They are not in actual contact with each other, but are connected by transversely projecting fibres, which give it a radiating appearance, the radii being composed of tubes alternating with rows of points or pores. When not broken through the centre, it exhibits only a porous surface like small worm holes not visible to the naked eye.

This polypifer is wholly converted into silex, which has closed the apertures of the tubes, but left open the intermediate spaces between the connecting fibres. The centre of some of them, and in fact the whole interior of others is wholly converted into solid hornstone, the organic structure being obliterated.

I found it near Brownsport, Perry county, associated with the organic remains described as occurring at that place. They are mostly isolated, sometimes imbedded in chert, which forms frequently large masses in the strata of the limestone which lie below the aluminous slate.

90. Astrea porosa, Goldf.

They form a dish-faced mass; the upper surface being convex, the lower more or less flat with concentric wrinkles. Their whole surface, as well the superior as the inferior, is covered with round pores in which

the stars are sunk in, in an irregular arrangement. Its internal structure is not visible.

It is calcareous and occurs in Perry county with the preceding.

91. Astrea tessellata, nobis.

This fossil resembles in its external appearance the A. porosa, Goldf. It is often tubercular, hemispherical and in the shape of a mushroom with a short stem, but it is distinguished from the A. porosa by the pores by which the surface of the latter is covered. The A. tessellata is composed of deep circular stars with an even bottom. The sides of these stars are formed of moderately thick lamellæ, they do not extend from one star towards another, but show on the surface a kind of mosaic of square pieces surrounding the star, and are in contact with some of the lamellæ of the next one, having the intervals between four stars which stand at equal distances the one from the other, filled up with similar square pieces. These lamellæ project sometimes into the star, forming furrowed sides; sometimes the sides of them are smooth. Some are composed of concentric layers of which the edges are visible near the stem, while in others these layers are not perceptible. They differ very much in size; I have in my cabinet specimens of two and a half inches, and also some that are hardly half an inch in diameter.

They are siliceous, sometimes of common quartz. They occur on the banks of the Cumberland river, but more abundantly amongst the disintegrations of the glades near the Tennessee river, in Perry county, associated with Calceola, Encrinites, Tribolites and other fossils.

92. Astrea alveolata, Goldf.

It forms rounded masses, marked by deep round stars with an even bottom. The Star lamellæ do not go over from one star to another, but are limited by hexagonal lines.

It is siliceous. I have found it only in brooks and rivulets in Davidson county.

93. Stromatopora concentrica. Goldf.

The remains belonging to this genus are frequently found in the strata of the mountain lime-stone through the whole of Middle Tennessee.

They are composed of concentric layers and mostly form hemispherical masses from a few inches to three feet in diameter. Their layers lie cupshaped, the one in the other, so that the inner and uppermost become both smaller and flatter. The external ones are frequently irregularly undulating, the smaller commonly dishshaped. They all form a level surface with their edges, which is concentrically furrowed. According to Goldfuss, a fibrous structure, the fibres crossing each other, is visible in these compact layers when magnified; this structure is not perceptible in our fossil, which is probably ascribable to its siliceous nature.

They are siliceous, mostly of common quartz, sometimes calcedonic and often covered with a siliceous, flowery concretion.

94. Stromatopora verrucosa, nobis.

These remains are very rarely perfect hemispherical bodies, they have nevertheless a hemispherical tendency, but are generally truncated, and sometimes present no more than a section of its base. I have

one of these sections which has a diameter of six and a half inches and a height of two and a fourth inches. They also form conical bodies, the summit being truncated. Their concentric layers are not plain, as in the preceding species, but are covered with numerous warty elevations, not very regularly scattered over the surface. These elevations are visible on the interior or opposite side of the layers, forming there small excavations. The external surface is besides granular, not unlike shagreen.

They occur in the same localities as the preceding, they are sometimes siliceous and sometimes calcareous, and associated with Isotelus planus, calamopora, etc. Goldf.

95. Cosinopora infundibuliformis, Goldf.

The generic characters of Cosnipora are to form a cupshaped polyp-stem composed of straight close fascicular fibres, perforated with regular obliquely running funnel shaped holes. They are distinguished from the tubiferous sponges which they in external form most resemble, by their straight and closely places fibres, and by the regular division of funnel shaped penetrating holes..

The fossil which I consider as C. infundibuliformis is part of an irregular funnel shaped expansion. The external surface, though apparently smooth, has very fine delicate wrinkles hardly perceptible by the naked eye. When magnified we perceive on the surface quadrilateral, obliqe ranging, appertures of tubes placed clo-e to one anoth.er. That these tubes run transversely through the whole mass is visible on the fractured places.

Whether these remains occur often, I am not able to say; they are so intimately connected with the granular limestone, that it is mere accident that the rock breaks in such manner that the surface of them becomes visible. I have often seen transversal sections in the rock, which perhaps belong to similar bodies; the specimen in my cabinet, which is only part of one, is five and a half inches broad and four inches high.

It is calcareous, and occurs in a stratum of granular dark gray mountain limestone near the University of Nashville.

96. Aulopora Serpens, var, minor, Goldf.

According to the description of Goldfuss, it is composed of inverted conical straight tubes, prolifying on the upper side below their upwards bent circular and elongated oral appertures. Small tubes sprout out from the running tube; or two of them make their appearance which run from one another in the form of a fork, but they join again by other sprouts forming a delicate reticulated structure, or they continue single.

Our A. Serpens resembles pretty much the figure 1, c. of Goldfuss, but it seldom forms such large extensions as represented on that plate, and coincide in that respect more with figure 1, c.

The little projecting tubes on our specimens are more or less bent, and somewhat widened near the apertures. They form sometimes single sprouts, running parasitically along the stem of the Cyathophillum gracile, or are clustered and form covering extensions upon other remains of the same remote time.

It is siliceous and associated with Cyathophillum gracile, Achilleum and other—occurs at Brownsport, in Perry county, in mountain limestone.

97. Catenipora escharoides, Lamk.

The specimen in my cabinet forms a mass which is about three and a half by two inches. It is imbedded in a granular limestone from near Harpeth river. How deep the lamellæ penetrate the rock I cannot say. It is calcareous.

98. Catenipora labyrinthica, Goldf.

This Catenipora is distinguished from the preceding by the larger size of its tubes, by its oral apertures which are oval, whereas in the C. escharoides they are lanceolate and its lamellæ do not anastomose so frequently.

The specimen in my cabinet is siliceous and imbedded in mountain limestone from near Nashville. I found it also at Eddyville, Ky. and Perry county, Tenn.

Whether the characters mentioned here, and which coincide with those given by Goldfuss of that species, are sufficient to form a distinct species, is questionable. I found amongst the disintegrations of the glades in Perry county, several specimens, some imbedded in chert, others in a friable sandstone and in other siliceous rock. Amongst these are several varieties intermediate in the size and shape of their oral apertures and in the size and form of their meshes. Sometimes those composed of smal links from large meshes and on the same specimen are also small meshes. The reverse metimes takes place in those with large oral apertures.

99. Catenipora meandrina, nobis.

The tubes and apertures are in size and form like those of C. labyrinthica, but they do not contortuously anastomose as in the latter, and meandering in an irregular manner in every direction. They form no meshes. They seemed to have formed large masses. I have a mass of compact limestone from the vicinity of Nashville of the size of five by four inches, which is water worn, and the Catenipora, being less soluble, and having thereby come to light, shows these lamellæ running in every direction over the whole surface of the stone, sometimes appearing as chain-form apertures, sometimes showing their sides.

It is only when worn down in that manner, that they are perceptible, but are invisible in the fractures of the rock.

I discovered them, not only near Nashville but I found the same though not in such large masses, in a more granular limestone, associated with Cyathophillum gracile and its associates near Brownsport, Perry county.

100. Syringopora ramulosa, Goldf.

These remains were first discovered by Lesueur and myself in the year 1825, in Missouri State near Maramec river. Losueur proposed at that time the name of Obstringellina for that genus. I do not know whether he ever published a description of it. I have found it since near Eddyville, Kentucky, and some handsome specimens in Davidson county, Tennessee.

They are formed of tubes more or less bent, of the thickness of a raven's quill, and connected together by lateral tubes irregularly placed upon them.

They differ more or less from the species described by Goldfuss under the above name, particularly in this, that in no instance so far as I have observed, do the connecting tubes shoot vertically upwards and thus increase the number of tubes, nor do the tubes increase in number in proportion as they approach the circumference and thereby build globular masses as is mentioned by G. In fact, our fossil seems to form irregular masses.

They occur in the siliceous part of some of the mountain limestone strata near Nashville. At Eddyville they are imbedded in a red ochry siliceous substance, the result of the disintegrations of the rocks, and are associated with Stylines. In Missouri State they are imbedded in chert, and also associated with Stylines.

101. Calamopora Gothlandica, Goldf.

This fossil characterizes some of the mountain limestone strata in Davidson county. It is frequently found and of all sizes. I have one in my cabinet which is about twelve inches long in the direction of the tubes, and thirteen inches in a transverse direction. It forms part of a globular mass, and is composed of tubes which are internally prismatic of unequal sides (6 or 5 sometimes 4 sides.) The tubes are of unequal thickness. Their connecting pores have disappeared during its fossilification. I cannot say whether, with respect to these connecting pores, it belongs to C. Gothlandica or not. Its other characters coincide with those given by Goldfuss to that species.

It is siliceous and found in the vicinity of Nashville in several places, in Kentucky and Missouri States.

102. Calamopora favoso, Goldf.

It is composed of tubes, which internally as well as externally are prismatic generally hexagonal and having their septa vaulted or arched. The tubes are small, there being fourteen of them in the compass of half an inch. Its connecting apertures are not visible. It forms flat extensions, which are formed of several layers the one upon the other. It is mostly siliceous. I have one which is siliceous above and calcarious below; in this specimen the connecting pores are visible and form two rows.

Var. lamellotuberosa dissepimentis in centro excavatis, Goldf.

This variety resembles in the form of its tubes the C. favosa, but it is always tuberculous and composed of concentric thin layers of which the edges are visible on the slope near its base, and perhaps therefore the name of favosa is not proper for this variety—It also differs in the formation of the transverse septa, which instead of being arched, have on the contrary in its centre an excavated point. Its connecting pores are not visible. In some the excavation in the centre of the transverse separations is also obliterated.

It is siliceous, and occurs in mountain limestone in Perry county.—I have one on which are two casts of Trilobites.

103. Calamopora Cumberlandica, nobis,

The general characters of the calamopora laid down by Goldfuss, are very well applicable to our fossil, but it belongs to none of the species described by that author.

They are composed of capillary prismatic tubes, nearly imperceptible to the naked eye. When magnified we perceive that they are furnished with transverse septa, but the tubes are so small that even when magnified, no connecting lateral pores are perceptible. They run parallel to one another without diverging. They seem to have been formed by successive layers of such tubes, lying the one upon the other, forming by this means undulating incrustations one and a half and two inches thick. The superior surface when magnified, shows the angular apertures of these tubes.

They are siliceous and have even perfectly formed crystals of quartz in some crevices.

I discovered this fossil near the Crab orchard on the Cumberland mountains, a few feet (perhaps fifty) below the stratum of sandstone, which belongs to the coal formation and which covers the whole of the mountain. The stratum of limestone in which this fossil occurs, and which is almost wholly oolitic, commences three miles east of Sparta in White county, where it covers limestone similar to that in the vicinity of Nashville, and contains besides the described calamopora, numerous members of Encrinites and some fine Pentremites pyriformis in the state of calcareous spar.

104. Calamopora basaltica, Goldf.

It forms tubercular or dish-shaped masses. The tubes are internally as well as externally prismatic, more or less diverging. The transverse septa are level in my specimen, in some no connecting pores are visible, (as in those of Perry county,) in others they are plainly perceptible. The first are composed of large and small tubes, while the latter are of equal size, and resemble perfectly the figures given by Goldfuss, particularly fig. 4 a. and c.

Dr. Goldfuss mentions as its localities Gothland and Eifel in Europe and Lake Erie in America. I found it in a siliceous state in Perry county, Tennessee and in the vicinity of Louisville, Ky. I have not minutely investigated the geological features of the environs of Louisville, but from the fossils which I have collected there myself and from those that I have received from that place, there seems to be a similarity with the geology of Perry county, and both seem analogous to that of Lake Erie. These three localities then must be of the same geological age as Gothland and Eifel, which belong, according to the opinion of the European geologist to the grauwacke series. Now the strata from which I collected these remains, are situated above the aluminous slate, and therefore above those of the vicinity of Nashville. This aluminous slate cannot therefore be the shale which is found amongst the coal measures, as some geologists pretend, because it is often bituminous and contains sometimes small seams of bituminous coal, which is very homogenous and has a large conchoidal fracture.

105. Calamopora Alveolaris, Goldf.

This fossil much resembles some of those that I have enumerated

amongst the C. favosa, but it differs from them in having its transverse septa not arched, and its connecting pores are placed in the edges of the prismatic tubes. The points mentioned by Goldfuss as being in the angles of the septa are not visible in our specimen.

It is siliceous and occurs in Perry county.

106. Calamopora hemispherica, nobis.

The fossil to which I have applied the name of hemispherica occurs, so far as I have been able to observe, only in hemispherical masses. It is formed of tubes of such size that nine of them, placed the one next to the other, will occupy half an inch; they radiate from the centre towards the circumference. In the interior of the mass they are internally and externally prismatic, but the upper surface is generally so much incrusted, that their oral apertures have no regular shape. Some of these tubes (on water worn masses) project here and there, and are then internally as well as externally cylindrical, and not connected together; they may be mistaken for syringopora. The transverse septa are flat, and the connecting pores placed in the middle of the sides.

They are siliceous, and occur in mountain limestone rarely in Perry county, but are of more frequent occurrence on the falls of the Ohio in Kentucky.

107. Calamopora Spongites, Goldf.

Var. a, tuberosa informis hemispherica, placentæ formis.

This variety, which I discovered in a stratum of indurated clay, which sometimes replaces the aluminous slate, has a dish-shaped form; it is composed of very small tubes, the oral apertures of which, when seen with the naked eye, seem to be round pores, but when magnified they appear angular, mostly hexagonal. No connecting pores are visible. The lower surface is irregular, composed of concentric wrinkles laying next or partly above one another.

It is calcareous.

I observed above that it was found in a stratum of indurated clay which sometimes replaces the aluminous slate. This clay contains merely a trace of carbonate of lime amongst its constituents, and the fossil is calcareous. I found similar fossils at the same place but about eight or ten feet lower, in a stratum of compact limestone; this was entirely changed into silex and covered with those flowery siliceous concretions so common in our siliceous fossils. It occurs near the tunnel on the Harpeth river Davidson county.

I discovered the same in Perry county. The shape of these is more regular, they seem to have formed extensive flat, thin masses, (one by twelve inches,) they are sometimes not more than half an inch in thickness; the tubes are not fitted as in the specimens in the former locality, and are more irregular, sometimes compressed, sometimes circular.—They are siliceous.

I found some in the latter place which had their tubes prismatic, hexagonal, and larger than the C. spongites generally is.

108. Calamopora maxima, nobis.

It occurs in hemispherical masses composed of prismatic tubes with irregular sides, diverging from the centre towards the circumference.

The connecting pores are invisible, the transverse septa level. This species has the largest tubes I have met with, four of them occupy the space of 1 1-0 inches.

It is siliceous and occurs in the vicinity of Nashville in mountain limestone.

109. Columnaria sulcata, Goldf.

The fossil which I consider as C. sulcata is composed of parallel tubes, which are almost straight, placed close to one another. Judging from the siliceous core which is yet in some of the tubes; it seems that in its live state it had star lamellæ; this being the case, they ought to have been visible on the sides of the tubes; this is not the case, they have disappeared, and it now forms only prismatic tubes. Occurs near Nashville.

110. Columnaria divergens, nobis.

The characters of the genus Columnaria laid down by Goldfuss are prismatic, parallel tubes which lie close to one another. The inside of these tubes is furnished with star lamellæ, having no transverse septa nor connecting tubes.

Our species resembles more or less the C. sulcata, but it differs from it in having its star lamellæ joined in the centre. The tubes diverge and in proportion as they extend new ones springforth from their sides. It forms sheaf-shaped masses.

It is calcareous and occurs in the mountain limestone near Nashville.

111. Sarcinula costata, Goldf.

It is formed of straight, more or less radiating tubes, which are longitudinally striated and are connected together by transverse lamellæ.

It is of rare occurrence in the mountain limestone in Perry county, associated with Astrea porosa.

112. Scyphia Neesii, Goldf.

The remains now under examination resemble more or less the S. Neesii, but they differ from it in some particulars. They form thin covers or expansions from one-tenth to one-sixth of an inch in thickness, perforated with irregularly rounded holes, which are placed in such manner as to give to the surface a reticulated appearance.—When magnified we perceive that the separations between these holes are perforated with small pores, which give it the appearance of a Retepora.

Calcareous, from the mountain limestone in Perry county,

113. Scyphia Stellata, nobis.

This fossil resembles in its external appearance the S. Neesii, but when magnified we perceive instead of pores, as in the preceding species small furrows which radiate in an irregular manner from the apertures, and give it thereby a stellated appearance. Over the surface run some delicate ramifications of Aulopora serpens.

Siliceous from the mountain limestone in Perry county.

114. Manon Peziza, Goldf.

Dish-shaped expansions which are irregularly rounded, concave below and convex above; the upper surface is covered with round pores only visible when magnified.

It occurs in a stratum of mountain limestone entirely composed of bivalve shells mostly belonging to spirifer, and of some small rings, which must have belonged to some species of Encrinite.

Near Nashville.

115. Escharia ovatopora, nobis.

It is composed of flabelliform flat extensions. In its live state, perhaps more extensions than one proceeded from the same base, their rudiments being still visible near it. It is covered with oval pores, which run in a more or less oblique direction from the root. It is at the same time covered with warty elevations, which are regularly scattered over its surface. On the opposite side the same oval apertures are visible, but the warty elevations here form depressions.

The Escharia does not seem to have been found in any old strata, nor is this to be wondered at when we take into consideration the delicate construction of these bodies which must be broken by any pressure. Defrance mentions the chalk as the oldest strata in which they are found, and according to him they are also found in strata posterior to the chalk. My species is different from any I have found described.

It occurs in a stratum of granular mountain limestone about two and a half miles from Nashville, associated with sedgments of Encrinites, Orthoceratite, producti and others.

116. Escharia reticulata, nobis.

In its generic characters it resembles the preceding species, being a thin flabelliform expansion composed of small oval pores; but instead of the warty elevations or tubercules of the preceding, it has perforating holes which give it a reticular appearance. These holes which are irregularly round, approaching to oval, run in a more or less oblique direction from the root, and more regularly placed than the tubercules on the preceding species. Its size is like the preceding, about two inches square, and forms a beautiful object. It is found with the preceding. They are both calcareous.

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On motion of Mr. Jones of Lincoln, it was ordered that one thousand copies of the foregoing report be printed for the use of the Senate.

A Bill from the House of Representatives for the relief of A. M. Rogers, late Sheriff and collector of Hamilton county, was read a third time and passed with an amendment—ayes 22, noes 1.

The ayes and noes being required by the constitution, the affirmative voters were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Terry, Walton, Warner, Wheeler Yoakum and Speaker Coe—22.

Mr. Balch voting in the negative—1.

And so said bill passed its third reading, and was ordered to be transmitted to the House of Representatives.

Mr. Laughlin moved the printing of two hundred additional copies of the report of Dr. Gerard Troost, Geologist, &c. of the State.

And thereupon the question was had, and determined in the affirmative—ayes 15, noes 9. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Brown, Gaines, Gillespy, Jennings, Jones of Lincoln, Laughlin, Love, Marshall, Sevier, Smith, Terry, Walton, Yoakum and Speaker Coe—15.

Those who voted in the negative were,

Messrs. Aiken, Anderson, Balch, Frey, Hardwicke, Jones of Hickman, Reneau, Warner and Wheeler—9.

And so said motion prevailed.

Mr. Jones of Lincoln introduced

A Bill to authorize the county court of Lincoln county to grant the privilege of building mills and factories in certain cases, which was read a first time and passed.

The Senate resumed the consideration of the bill to preserve the purity of elections.

Mr. Yoakum's amendment of yesterday was taken up and read, and the sense of the Senate being thereon had, it was adopted as part of the bill.

Mr. Laughlin thereupon offered an amendment in lieu of the whole from the words 'a bill.'

To which Mr. Warner offered the following as an amendment thereto, to wit:

"Provided citizens residing in fractions of new counties shall be deemed and considered as residing in the county from which such fraction is taken, until the next apportionment of Representation."

Said amendment was accepted.

Mr. Jones of Lincoln moved further to amend the said amendment by adding thereto the following, to wit:

*Be it enacted*, That any person who shall vote more than once in any election held in pursuance of the constitution and laws of this State, shall be guilty of a misdemeanor, and on conviction shall be fined at the discretion of the court, not exceeding fifty dollars, and may be imprisoned not exceeding three months.

Which amendment was also accepted—ayes 13, noes 10.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Gillespy, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Walton, Warner, Wheeler, Yoakum and Speaker Coe—13.

Those who voted in the negative were,

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gaines, Hardwicke, Jennings, Love and Terry—10.

And so said amendment was accepted.

Mr. Jennings thereupon offered the following as an amendment to the said amendment of Mr. Laughlin to wit:

Judges of elections shall be authorized to administer oaths to ascer-

tain the qualifications or right of any person who may offer his vote at any election. And if any person shall offer his vote and none of the judges shall know that he is qualified or authorized to vote, or if his vote be objected to by any candidate, or other citizen of this State, it shall be the duty of the judges, or some one of them, to administer an oath or affirmation to such person in the following form or to the following effect: You do solemnly swear or affirm (as the case may be) that you will true answers make to such questions as may be asked you touching your qualifications or right to vote at the present election—So help you God. The judges of the election shall then ask the person offering to vote the following questions: Are you a citizen of the State of Tennessee? are you twenty-one years of age? do you reside in the county of (the county where he offers to vote;) and have you resided in said county six months next preceding or next before this day, or the day of holding this election? have you voted at any other time or place at this election? Which questions being asked and answered, and any others the judges may think material to ascertain the qualifications of the person offering to vote—If the judges shall be satisfied that such person is a citizen of the State—that he is twenty-one years old—that he has resided in the county wherein he may offer his vote six months next preceding the day of the election, and that he has not before voted at the same election, and that he is otherwise a qualified voter, the judges shall thereupon receive his vote. But before they receive his vote, if they have any reason to suspect that the applicant to vote has sworn falsely, they may swear and examine any by-stander about the right and qualifications of such person to vote.

And the question being thereon had, it was determined in the negative—ayes 12, noes 13. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier, Terry, Walton and Yoakum—12.

The negative voters were,

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Wheeler and Speaker Coe—13.

And so said amendment was rejected.

Mr. Yoakum thereupon offered the following as an amendment to the said amendment of Mr. Laughlin, to wit:

*Be it enacted*, That in all prosecutions for the offence of betting on elections, no prosecutor shall be required, but the same shall be put upon the same footing as the offence of ordinary gaming.

And the sense of the Senate being thereon had, it was determined in the affirmative.

Mr. Gillespy moved the indefinite postponement of the said bill and amendment.

And thereupon the question was had and determined in the negative—ayes 9, noes 16. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Love, Turney, Warner, Wheeler and Speaker Coe—9.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier Smith, Terry, Walton and Yoakum—16.

And so said motion was rejected.

Mr. Marshall thereupon moved an adjournment until to-morrow morning half after nine o'clock.

And the question thereon being had, it was determined in the affirmative—ayes 14, noes 11. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Frey, Gaines, Gillespy, Jennings, Marshall, Reneau, Sevier, Terry and Walton—14.

The negative voters were

Messrs. Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Coe—11.

And then the Senate adjourned.

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SATURDAY MORNING, Dec. 14, 1839.

Mr. Terry presented the petition of sundry citizens of Monroe and Hamilton counties asking the privilige of a turnpike road across Walden's ridge. Which was read and ordered to the table.

Mr. Brown presented the memorial of the Militia officers of Henderson county proposing amendments to the militia laws of this State, which was referred on his motion to the committee on Military affairs.

Mr. Ashe presented the petition of sundry citizens of Tipton county remonstrating against a repeal of the tippling act of 1837. Which was read and ordered to be transmitted to the House of Representatives.

Mr. Speaker Coe presented a communication from the Hon. Felix Grundy declining to accept the office of Senator to the Congress of the United States; to which he was elected on the 19th Nov. last.—Which being read,

Mr. Ashe moved its reference to the committee on Federal relations with instructions to report thereon.

And thereupon the question was had and determined in the negative; ayes 10, noes 14. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Terry and Walton—10.

The negative voters were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Wheeler, Yoakum and Speaker Coe—14.

And so said motion was rejected.

Whereupon Mr. Jones of Lincoln moved that it be transmitted to the House of Representatives, which motion prevailed.

Mr. Wheeler submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That the Senate meet the House of Representatives in their hall on Monday the 16th day of this month at 11 o'clock, a. m., for the purpose of electing a Senator to the Congress of the United States in place of the Hon. Felix Grundy, declined.

Mr. Wheeler moved a suspension of the rule requiring resolutions to lie one day on the table. Which motion prevailing,

Mr. Jones of Lincoln moved to amend said resolution by striking therefrom, the words "Monday the 16th day of this month at 11 o'clock, a. m.," and inserting the words "this day at 12 o'clock m."

Mr. Terry offered the following in lieu, to wit:

*Resolved*, That the Senate meet the House of Representatives in their hall on this day at 12 o'clock, m., for the purpose of electing a Senator in Congress, in the room of the Hon. Ephraim H. Foster, resigned.

On motion of Mr. Turney the said amendment was ordered to the table—ayes 14, noes 10.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Wheeler, Yoakum and Speaker Coe—14.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Terry and Walton—10.

Mr. Jennings offered the following in lieu of the said original resolution, to wit:

*Resolved*, That the Senate meet the House of Representatives in their hall at 2 o'clock, p. m. this day, for the purpose of electing a Senator to Congress, said election being rendered necessary by a failure of this General Assembly to elect the Hon. Felix Grundy, owing to an ignorance of the provision of the Constitution of the United States on the part of this General Assembly.

Mr. Aiken moved to lay the foregoing resolution on the table.

And thereupon the question was had and determined in the affirmative—ayes 14, noes 10. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Wheeler, Yoakum and Speaker Coe—14.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Terry and Walton—10.

And so said motion prevailed.

The question then recurred upon the motion of Mr. Jones of Lincoln, and being thereon had it was determined in the affirmative.

Mr. Laughlin moved further to amend the said resolution by adding the words "General Assembly of the State of Tennessee," which motion prevailed.

Mr. Anderson moved to amend the said resolution by striking therefrom, the words "in place of the Hon. Felix Grundy, declined," and insert in lieu thereof, the words "because the Hon. Felix Grundy was heretofore unconstitutionally elected by this General Assembly."

Mr. Yoakum moved to lay the said proposition on the table.

And thereupon the question was had and determined in the affirmative—ayes 14, noes 10. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Wheeler, Yoakum and Speaker Coe—14.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Marshall, Jennings, Reneau, Sevier, Terry and Walton—10.

And so said amendment was ordered to the table.

Mr. Marshall, moved to amend by striking out the word "declined," and insert in lieu the following: "who has declined to accept."

Mr. Jones of Lincoln offered the following in lieu of the whole, to wit:

Whereas, on the 15th day of November 1839, the Hon. Ephraim H. Foster did resign to this General Assembly his seat in the Senate of the Congress of the United States. And whereas on the 19th day of Nov. 1839, this General Assembly did elect the Hon. Felix Grundy to fill said vacancy. And whereas the said Felix Grundy, by a communication this day made to this General Assembly, declines the acceptance of said office. Therefore,

*Resolved*, That the Senate meet the House of Representatives in their hall this day at 12 o'clock, m., for the purpose of electing a Senator to the Congress of the United States, to fill the vacancy thus occasioned. Which said amendment was accepted.

The resolution was thereupon read and adopted.

*Ordered*, That the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

A Bill to regulate the receipt and disbursement of the common school fund being read,

Mr. Gillespy moved the following amendment thereto, to wit:

*Be it enacted*, That no issues be made by the principal Bank at Nashville upon the funds received under the provisions of this act, until otherwise provided by an act of this General Assembly.

And the question being thereon had, the said amendment was adopted—ayes 13, noes 10. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Sevier, Terry, Turney, Warner and Speaker Coe—13.

Those who voted in the negative were

Messrs. Anderson, Brown, Frey, Jennings, Marshall, Reneau, Smith, Walton, Wheeler and Yoakum—10.

And so said amendment was received. The said bill was thereupon read a third time and passed—ayes 20, noes 2.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Brown, Frey, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Turney, Walton, Warner Wheeler, Yoakum and Speaker Coe—20.

Those who voted in the negative were

Messrs. Jennings and Terry—2.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Marshall introduced

A Bill to amend the laws in relation to executors and administrators, which was read a first time and passed.

Mr. Yoakum introduced

A Bill to distribute the Academy monies and for other purposes, which was read a first time and passed, and referred to the committee on Education and Common Schools.

The Speaker appointed Mr. Laughlin one of the special committee on the penitentiary turnpike.

A message from the House of Representatives by Mr. Crockett, their Clerk:

Mr. Speaker. The House of Representatives concur with your resolution proposing to go into the election of a Senator to the Congress of the United States on this day at 12 o'clock, m.

And then he withdrew.

Mr. Jennings introduced

A Bill to abolish the Mayor's court of the city of Nashville, and to provide a substitute; which was read a first time and passed, and referred on motion of Mr. Marshall to the committee on the Judiciary.

Mr. Speaker Coe presented a communication from John C. Keneday in relation to the survey of the 4th range west of the basis line in the Ocoee District, which was read and ordered to be transmitted to the House of Representatives.

On motion of Mr. Anderson the Senate took up and considered the resolution from the House of Representatives requiring the several banks of this State to resume the payment of specie—and the same being read, Mr. Jones of Lincoln offered the following in lieu thereof, to wit:

*Resolved by the General Assembly of the State of Tennessee*, That the Bank of Tennessee and Branches, the Union Bank of Tennessee and the Branches, the Planter's Bank of Tennessee and Branches, and the Farmer's and Merchant's Bank of Memphis, should in the opinion of this Legislature, and are hereby respectively directed to resume and continue in good faith, the payment of specie for all their notes, and other liabilities which are or shall be at the time of presentation due

and payable on demand when presented for payment at the place where from the face of such note or other liability the same shall purport to be payable.

*Resolved*, That it is the opinion of this Legislature, that the said Union Bank of Tennessee, the said Planter's Bank of Tennessee, and the said Farmer's and Merchant's Bank of Memphis, have violated and forfeited their respective charters.

*Resolved*, That should the said Union Bank of Tennessee or the said Planter's Bank of Tennessee fail or refuse to comply with the request made in the first of these resolves within ten days after the adoption thereof, then it shall be the duty of the Attorney General for the State, and he is hereby required to cause to be issued in pursuance of the charters of said banks from the Supreme Court of the State, a *scire facias* against said Union Bank of Tennessee or said Planter's Bank of Tennessee, (or both as they may be) so failing or refusing to comply with said requisitions, calling upon said corporation or either of them, to show cause why the charters thereof shall not be declared forfeited.

*Resolved*, That should the said Farmer's and Merchant's Bank of Memphis, fail or refuse to comply with the request made in the first of these resolves within ten days after the adoption thereof, then and in that case it shall be the duty of the Attorney General of the eleventh Solicitorial District in this State, and he is hereby required to cause to be issued from the Circuit Court of Shelby county in pursuance of the provisions of the charter of said bank a scire facias, calling upon said corporation to show cause why the charter thereof shall not be declared forfeited.

Mr. Terry moved to lay the said resolutions and amendment on the table, and make them the order of the day for Thursday next.

And the question being thereon had, it was determined in the negative—ayes 10, noes 13. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Brown, Gillespy, Hardwicke, Laughlin, Reneau, Terry, Warner, Yoakum and Speaker Coe—10.

The negative voters were,

Messrs. Anderson, Balch, Frey, Jennings, Jones of Hickman, Jones of Lincoln, Love, Marshall, Sevier, Smith, Turney, Walton, and Wheeler—13.

And so said motion was rejected.

Mr. Gillespy thereupon moved to lay the said resolution and amendment on the table.

And thereupon the question was had and determined in the negative; ayes 8, noes 15. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Gillespy, Hardwicke, Laughlin, Reneau, Smith, Terry and Speaker Coe—8.

The negative voters were

Messrs. Anderson, Balch, Brown, Frey, Jennings, Jones of Hick-

mar, Jones of Lincoln, Love, Marshall, Sevier, Turney, Walton, Warner, Wheeler and Yoakum—15.

And so said motion was rejected.

A message from the House of Representatives by Mr. Crockett their Clerk.

Mr. Speaker: The House of Representatives are now ready to receive the Senate for the purpose of going into the election of a Senator to the Congress of the United States.

And then he withdrew. Whereupon the Speaker and Gentlemen of the Senate repaired to the hall of the House of Representatives, and thereupon the two Houses proceeded viva voce to the election of said officer.

Mr. Love the Senator from the county of Henry, put in nomination the Hon. Felix Grundy, and there being no other nomination,

Senators who voted for Mr. Grundy were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—15.

Messrs. Anderson and Terry voting for Mr. Marshall of the county of Williamson. Mr. Ashe for Valentine Sevier of the county of Carroll. Mr. Brown for Thomas R. Jennings of the county of Davidson. Mr. Frey for Paulding Anderson of the county of Wilson. Mr. Jennings for H. H. Brown of the county of Perry. Mr. Marshall for Henry Frey of the county of Robertson. Mr. Reneau for Geo. W. Gaines of the county of Knox, and Mr. Sevier for Lewis Reneau of the county of Sevier.

The voting being continued by the House of Representatives, it appeared that the aggregate vote was for Mr. Grundy fifty-seven votes—scattering thirty-nine.

Whereupon the Speaker of the Senate declared the Honorable Felix Grundy duly and constitutionally elected Senator to the Congress of the United States, from this State for the term of six years from the 4th of March last.

And thereupon the Speaker and Gentlemen of the Senate returned to their own chamber.

Whereupon Mr. Brown moved an adjournment until Monday morning 9 o'clock.

And the question thereon being had, it was determined in the affirmative—ayes 12, noes 11. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Ashe Balch, Brown, Gillespy, Hardwicke, Love, Reneau, Sevier, Terry, Turney, and Wheeler—12.

The negative voters were

Messrs. Anderson, Frey, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Smith, Walton, Yoakum and Mr. Speaker Coe 11.—

And then the Senate adjourned.

MONDAY MORNING, Dec. 16, 1839.

Mr. Yoakum from the committee on education and common schools, to whom was referred a bill to distribute the academy fund, and for other purposes, reported that the committee have had the same under consideration, think it reasonable, and had instructed him to recommend its passage,

On motion of Mr. Jones of Lincoln, the said report and bill were ordered to the table.

Mr. Yoakum, from the committee on public lands, to whom was referred a bill making compensation to John C. M'Lemore for certain valuable record books, now in the Secretary's office, reported that the committee have had the same under consideration, think its provisions reasonable, and had instructed him to report an amendment thereto, and with the amendment to recommend its passage.

Mr. Yoakum also reported that the committee have had under consideration a bill to prevent frauds in entering and selling lands previously appropriated, and recommend an amendment thereto, and with the amendment the passage of the bill.

The committee have also had under consideration a resolution directory to the Secretary of State, and had instructed him to report a bill embracing the subject matter of the said resolution.

On motion of Mr. Jones of Lincoln, the said report and bills were ordered to the table.

Mr. Jones of Lincoln presented the memorial of Wm. F. Smith, and one hundred and nine other citizens of the county of Lincoln, asking State patronage, by means of premiums and bounties, to be extended to persons engaged in the growth and manufacture of silk in this State, which was read, and on his motion referred to the committee on agriculture and manufactures.

The Senate resumed the consideration of the resolution from the House of Representatives requiring the Banks to resume the payment of specie.

Mr. Yoakum moved to lay the said resolutions and amendments on the table.

And thereupon the question was had and determined in the negative—ayes 7, noes 15. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Gillespy, Jones of Hickman, Laughlin, Love, Smith Yoakum and Speaker Coe—7.

Those who voted in the negative were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Hardwicke, Jennings, Jones of Lincoln, Marshall, Reneau, Sevier, Terry, Turney, Walton and Wheeler—15.

And so said motion was rejected.

Mr. Gillespy thereupon offered the following amendment to the original resolution, to wit:

*Resolved further*, That the President and Directors of the Bank of Tennessee be, and they are hereby directed to curtail their discounts and contract their loans, and contract their accommodations at the prin-

cipal bank at Nashville until the loans of said bank to the citizens of Davidson county shall not exceed the amount of loans to which said county is entitled upon the basis of the qualified voting population thereof, compared with the same in other counties of this State.

Mr. Jennings moved the indefinite postponement of the foregoing amendment.

Mr. Yoakum moved to lay the original resolution, together with all amendments proposed, on the table, and make them the order of the day for Thursday next.

And thereupon the question was had and determined in the negative—ayes 6, noes 16. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Gillespy, Laughlin, Love, Wheeler, Yoakum and Speaker Coe—6.

The negative voters were,

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Frey, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Marshall, Reneau, Sevier, Smith, Turney and Walton—16.

And so said motion was rejected.

Whereupon Mr. Jennings moved to lay the said resolutions and amendments on the table. And the sense of the Senate being thereon had, the said motion prevailed.

A bill to incorporate the Nashville and White's Creek Springs turnpike road, was on motion of Mr. Jennings taken up and read.

Mr. Yoakum offered the following as an amendment thereto,—to wit:—

*Be it enacted*, That nothing in this act shall be so construed as to prevent the Legislature of the State, at any time hereafter, from altering, modifying or repealing the same whenever they may deem the public welfare to require it.

And thereupon the question was had and determined in the negative—ayes 5, noes 16. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Jones of Lincoln, Wheeler and Yoakum—5.

The negative voters were,

Messrs. Anderson, Ashe, Brown, Frey, Gillespy, Jennings, Jones of Hickman, Love, Marshall. Reneau, Sevier, Smith, Terry, Turney, Walton and Speaker Coe—16.

And so said amendment was rejected.

Mr. Smith asked and obtained leave to withdraw for amendment a bill to protect the owners of mills in the enjoyment of their just rights.

Mr. Laughlin returned with sundry amendments, which were accepted, a bill to establish the county of Van Buren.

The said bill was read a third time and passed—ayes 22, noes 1.

The ayes and noes being required, those who voted in the affirmative were,

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love,

Marshall, Reneau, Smith, Terry, Turney, Walton, Wheeler, Yoakum and Speaker Coe—22.

Mr. Sevier voting in the negative—1.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

On motion of Mr. Jennings, the Senate resumed the consideration of the resolution from the House of Representatives requiring the several banks of this State to resume specie payments.

The question recurred upon the amendment of Mr Gillespy, and being had thereon was determined in the affirmative—ayes 12, noes 11.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Turney, Wheeler and Yoakum—12.

The negative voters were

Messrs. Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Smith, Terry, Walton and Speaker Coe—11.

And so said amendment was received.

Whereupon Mr. Terry moved a reconsideration of the said vote on Mr. Gillespy's amendment, which motion prevailed.

Mr. Yoakum then moved to lay the said resolution and amendment on the table.

And thereupon the question was had and determined in the negative—ayes 3, noes 21. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Hardwicke, Yoakum and Speaker Coe—3.

The negative voters were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Frey, Gillespy, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Terry, Turney, Walton and Wheeler—21.

And so said motion was rejected.

Mr. Jennings thereupon offered the following as an amendment thereto, to wit:

*Resolved*, That the Directory of said Bank shall not consider this resolution as instructing them to make collections in the county of Davidson in a manner and to an extent that will tend to oppress the citizens of said county, and to make an invidious distinction between the indebted class of the people there and the same class in other portions of the State.

Mr. Hardwicke thereupon moved to refer the whole to the committee on Banks.

Mr. Anderson moved to lay Mr. Hardwicke's motion on the table—and the sense of the Senate being thereon had, the said proposition was rejected.

The question then recurred upon the motion of Mr. Hardwicke to refer, and being thereon had it was determined in the negative—ayes 11, noes 2.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Laughlin, Love, Smith, Wheeler, Yoakum and Speaker Coe—11.

The negative voters were,

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Jones of Lincoln, Marshall, Reneau, Sevier, Terry, Turney and Walton—12.

And so said motion was rejected.

The question was then had upon the amendment of Mr. Jennings and determined in the negative—ayes 3, noes 20.

The ayes and noes being required, those who voted in the affirmative were

Messrs. Jennings, Marshall, and Reneau.

The negative voters were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Frey, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Sevier, Smith, Terry, Turney, Walton, Wheeler, Yoakum and Mr. Speaker Coe—20.

And so said amendment was rejected.

Mr. Jennings thereupon offered the following:

*Resolved*, That instructions similar in object to those given in the preceding resolution to the Directors of the principal Bank of Tennessee be, and are hereby given to each and every one of the branches of said bank, so that the loans of the institution be equalized throughout all the counties of the State.

Mr. Turney thereupon moved the indefinite postponement of the resolution and amendments.

And thereupon the question was had, and determined in the affirmative—ayes 13, noes 10. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Frey, Hardwicke, Jennings, Jones of Hickman, Marshall, Reneau, Sevier, Smith, Turney, Walton and Wheeler—13.

Those who voted in the negative were,

Messrs. Aiken, Balch, Brown, Gillespy, Jones of Lincoln, Laughlin, Love, Terry, Yoakum and Speaker Coe—10.

And so said motion prevailed.

Mr. Jones of Lincoln introduced a Bill directory to the Secretary of State; which was read a first time and passed.

Mr. Gillespy submitted the following:

Whereas, it is not a just policy of the General Assembly to countenance and indulge on the part of any banking incorporation or incorporations of this State or any other, or further or greater privileges not expressly granted by their charter or charters, than are extended or allowed by law to private citizens. Therefore,

*Be it resolved*, That the Bank of Tennessee and its branches, the Planters Bank of Tennessee and its branches, the Union Bank of Tennessee and its branches, and the Farmers and Merchant's Bank of Memphis be, and they are hereby severally directed to suspend the col-

lection of any debt or debts that may be due any of said Banks, until such banks in good faith resume specie payments.

A bill to distribute the Academy monies was taken up and read.

Mr. Turney moved to amend the second section of said bill by striking therefrom all that part thereof that provides for the distribution of said fund according to the scholastic population, and inserting in lieu thereof the words "equally to each county."

And thereupon the question was had and determined in the affirmative—ayes 16, noes 5. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Laughlin, Love, Reneau, Sevier, Terry, Turney, Wheeler and Speaker Coe—16.

Those who voted in the negative were

Messrs. Anderson, Jones of Lincoln, Marshall, Walton and Yoakum—5.

And so said motion prevailed, and thereupon the Senate adjourned.

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TUESDAY MORNING, Dec. 17, 1839.

Mr. Marshall presented the report of the president and directors of the Nolensville turnpike company; which was read and referred to the committee on internal improvement.

Mr. Walton presented the petition of the members of the Baptist church on Dixon's creek, Smith county, remonstrating against a repeal of the tippling act of 1837, which was read and ordered to be transmitted to the House of Representatives.

Mr. Jennings introduced

A Bill to incorporate the Farmers and merchants' Cotton manufactory company of Tennessee, accompanied by a memorial of sundry citizens on that subject; which was read a first time and passed.

Mr. Marshall, from the committee on the judiciary, to whom was referred a bill to abolish the mayor's court of the city of Nashville, and to provide a substitute therefor, reported that the committee have had the same under consideration, and had instructed him to report an amendment thereto, and with the amendment to recommend its passage.

The said report was concurred with, the bill read as amended a second time and passed.

Mr. Marshall from the same, to whom was referred a resolution in relation to administrators on estates of deceased persons in certain cases, reported that the committee have had the same under consideration and had instructed him to report a bill to authorize letters of administration to be granted without security in certain cases, and for other purposes. Said bill was read a first time and passed.

Mr. Jones of Lincoln moved to recommend the said bill to the committee on the judiciary, with instructions so to amend as that the sheriffs shall be, by virtue of their office, administrators or executors, as the case may be; and strike out all that part of the bill which authorizes

the appointment of administrators or the qualification of executors, as the case may be. Which said motion was rejected.

Mr. Marshall from the same, to whom was referred a bill to prevent the embezzlement of the public monies, reported that the committee have had the same under consideration, think it reasonable, and had instructed him to recommend its passage. Whereupon the said bill was read a first time and passed.

The same from the same, to whom was referred a bill to extend the act of 1837-8, chapter 206, and creating the merchant's insurance and trust company of Nashville, reported that the committee have had the same under consideration,. and had instructed him to report amendments thereto, and with the amendments to recommend its passage.—The said amendments were severally read and adopted.

Mr. Jones of Lincoln offered the following as an amendment thereto, to wit:

*Be it enacted*, That no part or provision of this act shall ever be so construed as to authorize said corporation to issue or put in circulation any notes, bills, drafts, orders, checks or change tickets intended to circulate as change or currency, the tendency of which will be to circulate as change or currency. And the sense of the Senate being thereon had, it was accepted.

Mr. Jones of Lincoln moved further to amend by adding thereto the following, to wit:

*Be it enacted*, That the individual property, real, personal and mixed of the stockholders in said corporation, shall be liable and subject to the payment of the debts of the corporation.

And thereupon the question was had and determined in the negative—ayes 11, noes 11. The ayes and noes being required, the affirmative voters were

Messrs. Aiken, Ashe, Balch, Gilliespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Love, Terry, Wheeler and Yoakum—11.

Those who voted in the negative were,

Messrs. Anderson, Brown, Frey, Jennings, Laughlin, Marshall, Reneau, Sevier, Turney, Walton and Speaker Coe—11.

And so said amendment was rejected.

Mr. Jones of Lincoln moved to amend by adding the following, to wit:—

*Be it enacted*, That the General Assembly granting this act of incorporation reserves to all succeeding General Assemblies the power to alter, revise, amend or repeal the same.

And thereupon the question was had and determined in the negative—ayes 10, noes 12. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Love. Terry, Wheeler and Yoakum—10.

The negative voters were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Laughlin, Marshall, Reneau, Sevier, Turney, Walton and Speaker Coe—12.

And so said amendment was rejected.

Mr. Yoakum thereupon offered the following as an amendment, to wit:—

*Be it enacted*, That whenever said company shall at any time refuse to pay all the claims against them that may be legally adjudged to be just, their charter shall thenceforth be void.

And the sense of the Senate being thereon had, the said amendment was rejected.

Mr. Jones of Lincoln thereupon offered the following as an amendment thereto, to wit:

*Be it enacted*, That should the aggregate amount of insurances made by said company amount at any one time to a larger sum than the capital stock of the company, then and in that case the stockholders shall be liable in their individual capacity for the full amount of the liabilities of the corporation.

And the question being thereon had, the said amendment was rejected—ayes 8, noes 13.

The ayes and noes being demanded, the affirmative voters were

Messrs. Aiken, Balch, Hardwicke, Jones of Lincoln, Jones of Hickman, Love, Wheeler and Yoakum—8.

The negative voters were

Messrs. Anderson, Ashe, Brown, Frey, Gillespy, Jennings, Laughlin, Marshall, Reneau, Sevier, Terry, Turney and Speaker Coe—13.

And so said amendment was rejected.

Mr. Yoakum thereupon offered the following as an amendment to said bill, to wit:

*Be it enacted*, That a concurrent vote of both houses of the General Assembly may at any time alter, amend or repeal this act."

Mr. Turney moved the previous question, and the proposition shall the main question be now put? being had, it was determined in the negative—ayes 10, noes 11.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Brown, Hardwicke, Jennings, Laughlin, Marshall, Reneau, Sevier, Turney and Speaker Coe—10.

The negative voters were

Messrs. Aiken, Anderson, Balch, Frey, Gillespy, Jones of Hickman, Jones of Lincoln, Love, Terry, Wheeler and Yoakum—11.

And so the call for the previous question was not sustained.

Mr. Gillespy offered the following as an amendment to Mr. Yoakum's amendment:

*Be it enacted*, That said company shall not be authorized to make insurance under the provisions of this act until twenty-five per cent. upon the capital stock shall be paid to said company by the stockholders therein."

On motion of Mr. Turney, the said amendments were ordered to the table.

Mr. Yoakum thereupon moved the following amendment:

*Be it enacted*, That any association of two or more individuals, citizens of the State of Tennessee, who may desire to establish an insu-

rance office, be and they are hereby incorporated by such name as they may designate, as hereinafter mentioned.

*Be it enacted*, That when any two or more persons shall desire to come within the provisions of this act, they shall apply to the clerk of the county court of the county in which they may wish to establish their office, who, upon their paying to the said clerk a fee of one dollar and giving to him the name and style of the company desired to be established, shall issue to them a license under which they shall have power: and they are hereby authorized to insure property under the same rules and regulations as are above set forth, for and during the period of twenty years from the date of the issuance of such license.

*Be it enacted*, That no bonus shall be required of any company so incorporated, but the stockholders of each company shall be individually liable for the debts of their respective corporations, provided that said stockholders shall not be individually liable till an execution against the property of the corporation shall be returned unsatisfied; then an execution shall issue on motion against the individual property of the stockholders.

Mr. Laughlin moved to lay the said amendment on the table.

And thereupon the question was had and determined in the affirmative—ayes 14, nays 7. The ayes and noes being demanded, the affirmative voters were

Messrs. Aiken, Anderson, Ashe, Brown, Frey, Jennings, Laughlin, Marshall, Reneau, Sevier, Terry, Turney, Wheeler and Mr. Speaker Coe—14.

The negative voters were,

Messrs. Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Love and Yoakum—7.

And so said amendment was ordered to the table.

The said bill was thereupon read a second time and passed—ayes 11, noes 10.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs, Anderson, Ashe, Brown, Frey, Jennings, Laughlin, Marshall, Reneau, Sevier, Terry and Turney—11.

The negative voters were

Messrs. Aiken, Balch, Gillespie, Hardwicke, Jones of Hickman, Jones of Lincoln, Love, Wheeler, Yoakum and Speaker Coe—10.

And so said bill passed its second reading.

Mr. Anderson, from the committee on military affairs, to whom was referred a bill requiring the Brigadier General of the 13th Brigade of Tennessee militia to have a brigade drill, reported that the committee have had the same under consideration, think its provisions unreasonable, and have instructed him to recommend its rejection..

Whereupon the said bill was read and rejected.

Mr. Anderson from the same, to whom was referred a memorial of the militia officers of Henderson county, asking amendments to the militia laws of the State, reported that the committee have had the same

under consideration, think it unreasonable, and ought not to be granted.

The said report was concurred with.

Mr. Hardwicke *moved* to suspend the 24th rule for the government of the Senate.

And the question being thereon had, it was determined in the negative—ayes 13, noes 8. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Terry Turney, Wheeler and Speaker Coe, 13.

The negative voters were,

Messrs. Anderson, Brown, Frey, Jennings, Marshall, Reneau, Sevier and Walton—8.

And so said motion was rejected, it requiring two-thirds to suspend.

The Senate resumed the consideration of a Bill to distribute the Academy monies and for other purposes. The said bill was read a second time and passed.

Mr. Gillespy introduced

A Bill to authorize the circuit courts to render judgments for costs in certain cases, which was read a first time and passed.

Mr. Marshall submitted the following, to wit:

*Resolved by the General Assembly of the State of Tennessee,* That grant No. 3366 from the State of Tennessee to Luke Lea bearing date the 29th of Dec. 1837, be referred to the Secretary of State, acting as commissioner of land claims for adjudication, and if it shall appear to the Secretary of State as commissioner as aforesaid, that said grant has been interfered with by an older and better title, and that said grant is founded on a good and valid warrant, and that no other grant has been issued on the same, he shall issue a certificate warrant for the number of acres lost, to said Luke Lea, and the said Luke Lea is authorized to enter the same, in any of the land offices South and West of the congressional reservation line.

On motion of Mr. Jones of Lincoln, it was ordered that the clerk respectfully ask the House of Representatives, to return to the Senate the resolution requiring the several Banks of the State to resume the payment of specie so as to enable the Senate to have further action thereon by the following vote, to wit:

Affirmative voters were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Turney, Wheeler and Yoakum—11.

The negative votere were

Messrs. Anderson, Frey, Jennings, Marshall, Reneau, Sevier, Walton and Speaker Coe—8.

WEDNESDAY MORNING, Dec. 18, 1839.

Mr. Jones of Lincoln presented the memorial of sundry citizens of Lincoln county remonstrating against a repeal of the tippling act of 1837.

And also a petition from sundry citizens of the same county praying that dogs may be taxed, which were severally read and ordered to be transmitted to the House of Representatives.

Mr. Jennings presented a communication from R. H. M'Ewen, Superintendant of Public Instruction, which was read and ordered to the table.

Mr. Ashe also presented a communication from R. H. M'Ewen, Superintendent of Public Instruction in reply to a note addressed by him to that officer, which was read and ordered to be transmitted to the House of Representatives.

Mr. Yoakum submitted the following:

*Resolved*, That the letter of the Superintendent to Messrs. Anderson and Buchanan, be returned to the Superintendent of Public Instruction, and that he be instructed to report to the Senate forthwith the names of all the debtors to the old State Bank, whether the debts may be due by note, judgment, account or otherwise, the amount due from each debtor, the period when due, distinguishing the good debts from the doubtful. And that he also report the reasons why he has not collected said debts, or at least such of them as are solvent.

And the rule being suspended, Mr. Laughlin offered the following in lieu, to wit:

*Resolved by the General Assembly of the State of Tennessee*, That a joint select committee be appointed to consist of three on the part of the Senate, and five on the part of the House. And that the communications of the Superintendent of the 16th inst. and all matters connected with the same, be referred to the said select committee with power to send for persons and papers. Which was accepted.

Mr. Yoakum offered the following as an amendment thereto, to wit:

And that said committee be instructed to examine and report whether said Superintendent employed any part of the school fund in speculating in Treasury Notes, and notes and bills of the United States Bank of Pennsylvania, if so what amount, and the profits made thereon, and whether he has accounted for said profits. Also the amount of the school fund he had used in his private mercantile speculations. Also whether the Superintendent has not received and collected monies due the school fund for which he has not accounted. Also whether he has not expended monies belonging to the school fund for various purposes without authority of law. And that said Superintendent report to the committee what steps he has taken to collect said debts if any. Which amendment was accepted.

Mr. Jones of Lincoln offered the following as an amendment thereto, to wit:

*Resolved*, That the committee be instructed to enquire and report, how and what time, and under what circumstances the several debts reported by the Superintendent to be due from individuals, and which

he reports as constituting a part of the common school fund of this State, which has been loaned by said superintendent were, originally contracted, how often the same has been renewed, what rate of per cent. if any was originally discounted, and what rate, per cent, has been discounted at each several renewals of said notes or bills, and that said committee have power to send for persons and papers and to administer oaths.

The said amendment was received.

Mr. Anderson thereupon offered the following in lieu of the whole, to wit:

*Resolved by the General Assembly of the State of Tennessée*, That the Superintendent of Public Instruction be requested to report the names of the debtors, and their respective amounts due to the old State Bank of Tennessee.

And thereupon the question was had and determined in the negative, ayes 5, noes 17. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Brown, Marshall, Reneau and Walton—5.

Those who voted in the negative were

Messrs. Aiken, Ashe, Balch, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Terry, Turney, Warner, Wheeler, Yoakum and Speaker Coe—17.

And so said amendment was rejected.

The said resolution was thereupon read and adopted. The Speaker appointed Messrs. Yoakum, Wheeler and Anderson to be of said committee on the part of the Senate.

*Ordered*, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Speaker Coe presented a memorial from the President and Directors of the Farmers and Merchants Bank of Memphis, praying an increase of capital stock of said Bank. Which was read and ordered to be transmitted to the House of Representatives.

Mr. Terry introduced

A Bill to appropriate a part of the State tax to county purposes, which was read a first time, passed and referred to the committee on Ways and Means.

Mr. Wheeler introduced

A Bill to incorporate an Academy in the county of Claibourne, to be called Powell's Valley Male Academy, which was read a first time and passed.

Mr. Jones of Hickman introduced

A Bill for the relief of the citizens of Hickman county, which was read a first time, passed and referred to the committee on Claims.

Mr. Frey from the committee on enrollments reported as correctly enrolled, An act to provide for the probate and registration of deeds and other instruments executed beyond the limits of the United States, and for other purposes.

The Speaker of the Senate signed the said Act, and ordered it to be transmitted to the House of Representatives.

A Bill to increase the salaries of supreme Judges hereafter to be elected, was taken up and read a second time, and the question, shall the bill pass, being thereon had, it was determined in the negative—ayes 8, noes 15.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Brown, Jennings, Laughlin, Love, Marshall, Sevier, Smith and Speaker Coe—8.

Those who voted in the negative were

Messrs. Anderson, Ashe, Balch, Frey, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Reneau, Turney, Walton, Warner, Wheeler and Yoakum—15.

And so said bill was rejected.

Whereupon Mr. Hardwicke moved a reconsideration.

A message from the House of Representatives by Mr. Crockett their clerk.

Mr. Speaker: The House of Representatives concur with your resolution appointing a joint select committee to inquire into and report further into the situation and condition of the common school monies, now in the hands of the Superintendant of Public Instruction, and propose several amendments thereto, with which they ask your concurrence.

And then he withdrew. Whereupon the said amendments were severally read and concurred with.

*Ordered*, That the clerk acquaint the House of Representatives therewith.

A Bill to alter the dividing line between the counties of Blount and Sevier, was read a third time and passed—ayes 21.

The ayes and noes being required by the constitution, those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Sevier, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—21.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A Bill to incorporate the Nashville and White's Creek Springs turnpike company, was read a third time and passed—ayes 17, noes 5.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Laughlin, Love, Marshall, Reneau, Sevier, Turney, Walton, Warner and Speaker Coe—17.

Those who voted in the negative were

Messrs. Aiken, Balch, Jones of Lincoln, Wheeler and Yoakum—5.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A Bill to correct the practice in the courts of chancery, was taken up and read.

Mr. Jones of Lincoln moved to amend said bill by striking therefrom a part of the second section thereof.

And thereupon the question was had and determined in the negative, ayes 11, noes 12. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Hardwicke, Jones of Hickman, Jones of Lincoln, Love, Turney, Warner, Wheeler and Speaker Coe, 11.

Those who voted in the negative were

Messrs. Ashe, Brown, Frey, Gillespy, Jennings, Laughlin, Marshall, Reneau, Sevier, Terry, Walton and Yoakum—12.

And so said motion was rejected.

Mr. Turney thereupon moved further to amend by striking therefrom the third section thereof. Which motion prevailed.

Mr. Jones of Lincoln moved further to amend by adding a proviso thereto, which was accepted.

Mr. Turney offered an amendment in lieu of the said proviso and the amendment heretofore offered by Mr. Balch, which was accepted.

The said bill was then read as amended a third time.

And thereupon the question was had and determined in the affirmative—ayes 13, noes 10. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Ashe, Brown, Frey, Gillespy, Jennings, Laughlin, Love, Marshall, Reneau, Sevier, Turney, Walton and Yoakum—13.

Those who voted in the negative were

Messrs. Aiken, Anderson, Balch, Hardwicke, Jones of Hickman, Jones of Lincoln, Warner, Wheeler and Speaker Coe—10.

And so said bill passed its third reading, and was ordered to be transmitted to the House of Representatives.

And then the Senate adjourned.

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THURSDAY MORNING, Dec. 19, 1839.

A Bill for the relief of purchasers and assignees of purchasers of land in the Hiwassee District, was on motion of Mr. Gillespie referred to the committee on Claims.

Mr. Terry introduced

A Bill to authorize J. A. Anderson of Monroe county and George W. Wilson of Marion county, to cut and open a turnpike road, which was read a first time, passed and referred to the committee on Internal Improvement.

A Bill for the relief of William B. Young & Co., was read a third time and passed—ayes 19.

The ayes and noes being required by the constitution those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Terry, Turney, Walton, Warner Wheeler, Yoakum and Speaker Coe—19.

Mr. Balch voting in the negative.

Mr. Jones of Lincoln moved that the Senate go into the election of an additional assistant clerk, which motion prevailed—ayes 11, noes 10.

The ayes and noes being demanded the affirmative voters were

Messrs. Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Love, Marshall, Walton, Warner, Wheeler, Yoakum and Speaker Coe—11.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Jones of Hickman, Reneau, Sevier, Terry and Turney—10.

And so said motion prevailing, Mr. Jones of Hickman put in nomination the name of Orville Loving. Mr. Hardwicke nominated Mr. W. H. Hunt. Mr. Marshall nominated Mr. Wallace Wilson.

Senators who voted for Mr. Loving were

Messrs. Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love Turney, Warner, Wheeler, Yoakum and Speaker Coe—11.

Those who voted for Mr. Wilson, were

Messrs. Brown, Marshall and Terry—3.

Those who voted for Mr. Hunt, were

Messrs. Anderson, Ashe, Frey, Jennings, Reneau, Sevier and Walton—7.

Whereupon the Speaker declared Mr. Orville Loving to be duly and constitutionally elected. Who thereupon took his seat at the clerk's table, where the several oaths required by the constitution were administered to him by John Wright, Esq., a justice of the peace for the county of Davidson.

A Bill to extend the benefits of the act of 1829, ch. 76, was read a third time. The Speaker then on the floor.

Mr. Coe offered an amendment thereto in lieu of the whole from the enacting clause.

Mr. Jennings offered an amendment in lieu of the first section of the bill, which was received.

Mr. Gillespy offered an amendment to that of Mr. Speaker Coe's, which was received.

The question was then had upon the adoption of Mr. Speaker Coe's amendment in lieu of the whole, and determined in the affirmative.

Mr. Speaker Coe thereupon moved to amend the caption of said bill so as to read, A bill to repeal the act of 1829, ch. 76, which motion prevailed.

The said bill was thereupon read a third time and passed—ayes 16, noes 6.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Frey, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Turney, Walton, Warner and Speaker Coe—16.

The negative voters were,

Messrs. Gillespy, Love, Reneau, Sevier, Wheeler and Yoakum—6.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A Bill to extend an act of 1837 and '38, ch. 206, and creating the Merchant's Insurance and Trust Company of Nashville, was taken up and read a third time.

Mr. Jones of Lincoln offered the following as an amendment thereto, to wit:

*Be it enacted*, That the stockholders in the corporation hereby created, shall be jointly and severally bound and liable for all debts and contracts of said corporation of whatever character.

In lieu of which Mr. Yoakum offered the following:

*Be it enacted*, That when any claim against said company shall have matured to a judgment, and execution thereon shall be returned unsatisfied, then, and in that case, the said stockholders shall be individually liable for said claim, and an alias execution may issue on motion against the private property of said stockholders.

Mr. Laughlin moved to lay said amendments on the table.

And thereupon the question was had and determined in the affirmative—ayes 12, noes 10. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Laughlin, Marshall, Reneau, Sevier, Turney, Walton and Speaker Coe—12.

Those who voted in the negative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Love, Warner, Wheeler and Yoakum—10.

And so said amendments were ordered to the table.

Mr. Gillespy thereupon offered the following as an amendment to said bill, to wit:

*Be it enacted*, That said company shall not be authorized to make any insurance under the provisions of this act, until the stockholders of said company shall have paid up twenty-five per cent. upon the capital stock of said company. Which amendment was accepted.

Mr. Gillespy offered the following as a further amendment to said bill, to wit:

*Be it enacted*, That the individual stockholders of said company shall be individually liable for the payment of all just claims against said company, over and above the amount of the principal stock by them severally subscribed, to the amount of the dividend, that by said company may be declared and paid over to them severally. And the question, will the Senate accept the amendment, being thereon had, it was determined in the affirmative—ayes 11, noes 9.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Gillespy, Jones of Hickman, Jones of Lincoln, Love, Warner, Wheeler, Yoakum and Speaker Coe—11.

The negative voters were

Messrs. Frey, Jennings, Laughlin, Marshall, Reneau, Sevier, Smith, Turney and Walton—9.

And so said amendment was accepted.

Mr. Jones of Lincoln moved further to amend the said bill by striking therefrom, the sum of "one hundred thousand dollars," and inserting

in lieu the sum of "three hundred thousand dollars as the capital stock of said company.

And thereupon the question was had and determined in the negative—ayes 9, noes 12. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Balch, Gillespy, Jones of Hickman, Jones of Lincoln, Reneau, Warner, Wheeler and Yoakum—9.

The negative voters were

Messrs. Ashe Frey, Hardwicke, Jennings, Laughlin, Love, Marshall, Sevier, Smith, Turney, Walton and Speaker Coe—12.

And so said motion was rejected.

Mr. Anderson moved a reconsideration of the vote accepting the amendment of Mr. Gillespy, making the individual property of stockholders of said company liable for the payment of all claims against said company, over and above the amount of the principal stock by them severally subscribed, &c. Which motion prevailed.

The question was again had upon the said amendment of Mr. Gillespy and determined in the neagative—ayes 10, noes 10.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Warner, Wheeler, Yoakum and Speaker Coe—10.

Those who voted in the negative were

Messrs. Anderson. Ashe, Brown, Frey, Laughlin, Love, Marshall, Reneau, Sevier and Walton—10.

And so said amendment was rejected.

Mr. Turney returned a bill entitled, An act declaring Ocoee river navigable. Which was read a third time and passed.

A Bill granting Jesse Lincoln a turnpike road, was read a third time and passed.

A message from the House of Representatives by Mr. Crockett, their Clerk:

Mr. Speaker: The Speaker of the House of Representatives did this day sign an enrolled act to charter the Perryville and Lexington turnpike company and for other purposes. And an act for the benefit of A. M. Rogers late sheriff and collector of Hamilton county.

And then he withdrew. Whereupon the Speaker of the Senate signed the said enrolled acts, and ordered them to be deposited in the office of the Secretary of State.

A Bill to protect honest debtors from oppression being read, Mr. Marshall moved its referrence to the committee on the Judiciary.

And the sense of the Senate being thereon had it was rejected.

Mr. Speaker Coe then on the floor, moved to amend the said bill by adding thereto the following proviso, to wit:

Provided that the grounds set forth in the petition for habeas corpus shall be certified by affidavit. Which was accepted.

Mr. Jones of Lincoln moved further to amend by inserting the following after the word 'chancellors,' in the first section of the said bill, to wit:

Or on application to a justice of the peace of the county in which such defendant may be taken by virtue of a bail warrant or execution against the body, in any case under a justice's jurisdiction.' Which said amendment was received.

The said bill was thereupon read a third time, and the question, shall the bill pass, being thereon had it was determined in the affirmative—ayes 18, noes 2.

The ayes and noes being required, those who voted in the affirmative were,

Messrs. Aiken, Anderson. Ashe, Balch, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Sevier, Warner, Wheeler, Yoakum and Speaker Coe—18.

Those who voted in the negative were

Messrs. Marshall and Turney—2.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

Whereupon Mr. Gillespy moved a reconsideration of the vote passing the said bill.

And thereupon the question was had and determined in the negative—ayes 4, noes 14. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Gillespyy, Marshall, Reneau and Terry—4.

Those who voted in the negative were

Messrs. Aiken, Anderson, Balch, Frey, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Sevier, Warner Wheeler, Yoakum and Speaker Coe—14.

And so said motion was rejected.

Mr. Ashe introduced

A Bill to amend an act passed in 1835 ch. 62, which was read a first time and passed.

A Bill to distribute the Academy fund and for other purposes being read, Mr. Yoakum moved the following amendment to the fifth section thereof, to wit:

But a receipt for any portion of the academy monies required to be paid over to said academies, shall be considered as relinquished on the part of the academy receiving the same. Which said amendment was received.

Mr. Marshall moved to strike from the second section of said bill the words, "shall be distributed equally among the counties," and insert in lieu thereof the words, "according to the scholastic population of said counties as exhibited in the last report of the Superintendent of Public Instruction.

And thereupon the question was had and determined in the negative—ayes 5, nees 16. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Jones of Lincoln, Marshall, Warner and Yoakum—5.

Those who voted in the negative were

Messrs. Aiken, Balch, Frey, Gillespy, Hardwicke, Jones of Hickman,

Laughlin, Love, Reneau, Sevier, Turney, Whheeler and Speaker Coe—13.

And so said motion was rejected.

Mr. Marshall thereupon moved to add to the said section, the words 'until otherwise directed by law,' after the words 'to each county.'

And thereupon the question was had and determined in the negative; ayes 6, noes 13. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Jennings, Jones of Lincoln, Marshall, Warner and Yoakum—6.

The negative voters were

Messrs. Aiken, Balch, Faey, Gillespy, Hardwicke, Jones of Hickman, Laughlin, Love, Reneau, Sevier, Turney, Wheeler, and Speaker Coe—13.

And so said motion was rejected.

The said bill was thereupon read as amended a third time, and the question 'shall the bill pass,' being thereon had it was determined in the affirmative—ayes 17, noes 4.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Ashe, Balch, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Laughlin, Love, Reneau, Sevier, Terry, Turney, Warner, Wheeler and Speaker Coe—17.

Those who voted in the negative were

Messrs. Anderson, Jones of Lincoln, Marshall and Yoakum—4.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

And then the Senate adjourned.

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Friday Morning, Dec. 20, 1839.

Mr. Anderson presented the petition of sundry citizens of Wilson county, remonstrating against the tippling act of 1837, which was ordered to be transmitted to the House of Representatives.

Mr. Jones of Lincoln introduced a bill to regulate the salary of the officers of the Bank of Tennessee, which was read a first time and passed.

Mr. Walton asked and obtained leave of absence until Monday next.

Mr. Wheeler asked leave of absence for Messrs. Aiken, Frey and Anderson, who were compelled to visit the Penitentiary as the committee on the part of the Senate, upon business relating to that institution—which request was granted.

Mr. Jones of Lincoln introduced a bill to provide for the reduction of the State debt; which was read a first time and passed.

Mr. Jones of Lincoln submitted the following:

*Resolved*, That the President of the Bank of Tennessee inform the Senate what amount of discounts, if any, have been made by said Bank

upon notes and bills, also the names and residences of the makers and drawers of such notes and bills, and the amount of each since the 18th day of October last.

And the rule being suspended, Mr. Jennings offered the following in lieu thereof, to wit:

Whereas, the amount of notes which the Bank of Tennessee had in circulation at the period of the late suspension, affords a safe index of the issues which said Bank may make, without creating any obstruction to a resumption, whenever the condition of the commercial world will render such a step justifiable, therefore,

*Be it resolved*, That the Bank of Tennessee be, and is hereby required to increase her present line of discounts, provided that she do not increase the amount of her notes in circulation beyond the sum above specified.

And thereupon the question was had and determined in the negative—ayes 7, noes 12. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Ashe, Brown, Jennings, Marshall, Reneau, Sevier and Terry—7.

Those who voted in the negative were

Messrs. Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Turney, Warner, Wheeler, Yoakum and Speaker Coe—12.

And so said amendment was rejected.

Mr. Laughlin thereupon offered the following in lieu of the original resolution, to wit:

*Resolved*, That the President and Directors of the Bank of Tennessee report forthwith to the Senate whether they have discounted any new bills or notes, or increased the amount of former notes or bills upon renewals of the same, and to what amount upon each, since the date of the late suspension, and if so, that they report the amount of said discounts, and in what currency the same was made, and the names of the counties in which discounts have been made, and the reasons of said President and directors for making such loans, and whether making such loans, if made, increased the amount of the present liabilities of said bank, or diminished its ability to make an early resumption.

And the question being thereon had, was determined in the affirmative—ayes 11, noes 8. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Brown, Jennings, Laughlin, Love, Marshall, Reneau, Sevier, Terry, Warner and Speaker Coe—11.

The negative voters were,

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Turney and Wheeler—8.

And so said amendment was received in lieu, and was thereupon read and adopted.

Mr. Jones of Lincoln thereupon offered the following:

*Resolved, by the General Assembly of the State of Tennessee*, That the Bank of Tennessee and branches, the Union Bank of Tennessee

and branches, the Planters Bank of Tennessee and branches, and the Farmers and Merchants Bank of Memphis be, and they are hereby severally directed to resume and continue in good faith the payment of specie for all their notes and other liabilities respectively, on presentation at the place where payable, which are or shall be due at the time presented for payment.

*Resolved*, That in the opinion of this General Assembly the said Union Bank of Tennessee, the said Planters Bank of Tennessee and the said Farmers and Merchants Bank of Memphis, have violated and forfeited their respective charters of incorporation.

*Resolved*, That should said Union Bank of Tennessee, said Planters Bank of Tennessee and said Farmers and Merchants Bank of Memphis, or either of them fail or refuse to resume specie payment as above directed, then and in that case, the Attorney General for the State shall cause to be issued pursuant to law a scire facias against either or all of said banks so failing or refusing to resume specie payment as above directed, calling on said bank or banks as the case may be, to show cause why the charters thereof shall not be declared forfeited.

Mr. Laughlin moved that the joint select committee on the penitentiary turnpike road be discharged from the further consideration of a resolution submitted by Mr. Jennings on the 5th inst., in relation to the charter of said road.

And thereupon the question was had and determined in the negative, ayes 6, noes 13. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Gillespy, Hardwicke, Laughlin, Love and Turney—6.

The negative voters were

Messrs. Balch, Brown, Jennings, Jones of Hickman, Jones of Lincoln, Marshall, Reneau, Sevier, Terry, Warner, Wheeler, Yoakum and Speaker Coe—13.

And so said motion was rejected.

On motion of Mr. Jones of Lincoln, the Senate took up the report of the committee on the judiciary, made on the 10th inst. in relation to a Bill to provide for the collection and publication of the statutes of this State that have been passed since 1820. The said report being unfavorable to the said bill, it was concurred with, and the bill rejected.

Mr. Reneau asked and obtained leave to withdraw for amendment, a Bill to protect county creditors.

A Bill from the House of Representatives to increase the tax on Brokers being read, Mr. Laughlin moved to strike out the sum of '$2000' for the purpose of inserting the sum of '$1000.'

And thereupon the question was had and determined in the negative, ayes 9, noes 10. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Ashe, Brown, Gillespy, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Reneau and Sevier—9.

Those who voted in the negative were

Messrs. Aiken, Balch, Hardwicke, Love, Terry, Turney, Warner,

Wheeler, Yoakum and Speaker Coe—10. And so the said proposition was rejected.

The said bill was thereupon read a second time and passed—ayes 15, noes 4. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Ashe, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Terry, Turney, Warner, Wheeler, Yoakum and Speaker Coe—15.

The negative voters were

Messrs. Brown, Marshall, Reneau and Sevier—4.

And so said bill passed its second reading.

A bill relative to the internal improvement fund of Lawrence county was read a third time and passed.

Mr. Reneau withdrew for amendment a bill for the relief of Hiram Young.

Mr. Laughlin returned a bill to consolidate the funds, and to provide but for one instead of two seperate classes of public school funds in Lincoln county, and offered an amendment thereto which was received.

The said bill was further amended on motion of Mr. Gillespy, read a third time, passed and ordered to be engrossed and transmitted to the House of Representatives.

A bill from the House of Representatives, directing certain duties to be performed by clerks of courts, was read a third time and passed—ayes 16—noes 2.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Balch, Brown, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Terry, Turney, Warner, Wheeler and Speaker Coe—16.

The negative voters were

Messrs. Gillespy and Yoakum—2.

And so said bill passed its third reading.

A bill to abolish the Mayor's court of the city of Nashville, and for other purposes, was read a third time and passed—ayes 17.

The ayes and noes being required, those who voted in the affirmative were

Messrs. Ashe, Balch, Brown, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Sevier, Terry, Turney, Warner, Wheeler, Yoakum and Speaker Coe—17.

A bill to amend the several laws of this State, in relation to the inspection of tobacco, was read a third time and passed; ayes 12, noes 6.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Brown, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Sevier, Wheeler and Mr. Speaker Coe—12. The negative voters were.

Messrs. Balch, Marshall, Terry, Turney, Warner and Yoakum—6.

And so said bill passed its third reading.

Mr. Yoakum presented the following protest for himself and others.

The undersigned, who opposed in the Senate the passage of a bill entitled, a bill to extend the act of 1837-8, ch. 206, and creating the merchants' insurance and trust company of Nashville, protest against the passage of said bill for the following reasons.

1. The said bill creates a corporation to continue for twenty-nine years, and contains no provision by which any future Legislature may alter, repeal or modify the same. This, the undersigned believe is a material omission, and would seem to show that we have more confidence in the corporation than in the Repre entatives of the People.—The undersigned do not believe the Legislature have the power (or if they have, it should not be exercised) to control the present, much less the future generation by any charter which may become to them a burthen, without, at the same time, reserving to their Representatives power to obtain relief.

2. There is nothing in said bill which makes the stockholders in said company liable in their individual property for claims against the company. Without this provision the undersigned can see no means by which the honest creditors of said company can collect their debts.—There will be nothing tangible upon which to levy and make satisfaction, and it would depend entirely upon the honesty of the corporators whether they pay the claims against them or not. The undersigned cannot believe that corporations of any kind are more honest than individuals. If we have an efficient remedy against the latter, why not also against the former? As corporators divide among them, and enjoy individually the premiums paid into the office, they ought to be liable individually for losses sustained upon property insured.

The foregoing reasons the undersigned desire may be entered upon the journals.

H. YOAKUM,
GEO. W. JONES,
RICHARD WARNER,
JOHN E. WHEELER,
D. G. JONES,
JOHN BALCH,
J. A. AIKEN.

December 20, 1839.

A message from the House of Representatives, proposing an amendment in lieu of the whole from the enacting clause to the bill to establish the town of Chattanooga, in Hamilton county, and to incorporate the inhabitants thereof, and also proposing an amendment to the bill to protect the owners of mills in their just rights, was taken up, severally read and concurred with.

A bill to incorporate the town of Morganton, in the county of Blount, was taken up and read.

Mr. Marshall moved to amend by striking from said bill all that part thereof providing for the election of a justice of the peace; which motion prevailed.

On motion of Mr. Reneau, the said bill was ordered to the table.

A bill to authorize the Clerk and master at Somnerville to appoint a

deputy, was read a third time, passed and ordered to be transmitted to the House of Representatives.

A bill for the benefit of sheriffs, and to pay the guard necessary for carrying prisoners to jail, was read a third time and passed—ayes 16, noes 3.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Balch, Brown, Gillespy, Hardwicke, Jennings, Laughlin, Love, Marshall, Reneau, Sevier, Turney, Warner, Wheeler, Yoakum and Speaker Coe—16.

The negative voters were,

Messrs. Jones of Hickman, Jones of Lincoln and Terry—3.

And so said bill passed its third reading, was ordered to be engrossed, and transmitted to the House of Representatives.

Mr. *Warner* moved a reconsideration of the vote on Mr. Marshall's motion to strike out so much of the bill incorporating the town of Morganton as provides for the election of a justice of the peace; which motion prevailing,

Mr. *Warner* asked leave to withdraw the said bill for further amendment.

The Senate concurred with the amendment proposed by the House of Representatives to a bill to prevent slaves from acting as though they were free persons of color.

A bill to amend the acts incorporating the town of Memphis, was read a third time, passed, and ordered to be engrossed and transmitted to the House of Representatives.

Mr. Jones of Lincoln submitted the following:

*Resolved*, That it shall be a standing rule of the Senate that after the transaction of the morning's business under the existing rules, business shall be done in the following order, to wit:

1. The introduction of Resolutions and Bills.
2. Resolutions which have been introduced shall be considered.
3. House bills on their first reading.
4. House bills on their second reading.
5. House bills on their third reading.
6. Senate bills on their second reading.
7. Senate bills on their third reading.

And that the Speaker shall direct the business to be taken up accordingly, and that no bill or resolution shall be introduced or considered otherwise than prescribed in this resolution.

Then the Senate adjourned.

SATURDAY MORNING, Dec. 21, 1839.

Mr. Laughlin presented a petition signed by Hugh O. Neal and sundry citizens of the 10th Civil District of Coffee county on the subject of herding cattle. *W*hich was read and ordered to be transmitted to the House of Representatives.

Mr. Warner from the committee on claims, to whom was referred, a Bill for the benefit of the citizens of Hickman county and for other purposes, reported that the committee have had the same under consideration, think its provisions reasonable, and had instructed him to recommend its passage. *W*hereupon the said bill was read a second time and passed.

Mr. Jones of Lincoln from the committee on Banks, to whom was referred, a Bill to remove the Branch of the Bank of Tennessee from Clarksville in the county of Montgomery, to the town of Sparta, in the county of *W*hite, reported that the committee have had the same under consideration, think its provisions reasonable, and had instructed him to recommend its passage.

On motion of Mr. Turney the bill was laid on the table.

Mr. Turney returned with an amendment, a bill to regulate and alter the time of holding certain Chancery courts and Circuit courts and for other purposes.

On motion of Mr. Yoakum the said bill and amendment were ordered to the table.

Mr. Hardwicke introduced

A Bill supplemental to an act passed Jan. 19th 1838 to charter the White's Creek Springs, which was read a first time and passed.

Mr. Warner returned with an amendment to the bill to incorporate the citizens of the town of Morgantown in Blount county, which amendment is as follows, to wit:

*Be it enacted*, That each incorporated town in this State shall be entitled to at least one resident Justice of the peace within the bounds of said corporation, and in case any such corporation have no resident justice of the peace within the bounds thereof, the qualified voters of the civil district in which such corporation is situated, shall elect such justice of the peace under the same rules, regulations and restrictions that other justices of the peace are elected to fill vacancies. And if such justice of the peace shall remove without the limits of said corporation, his office shall become void, and his functions cease.

On motion of Mr. Reneau the said bill and amendments were ordered to the table.

Mr. Ashe introduced

A Bill for the relief of femes covert, which was read a first time and passed.

Mr. Jones of Lincoln moved to take up a resolution offered by him on yesterday to amend the standing rules of the Senate, which was ordered up and read.

On motion of Gillespy the last resolution was ordered to be stricken out.

Mr. Yoakum moved to amend by adding to the third rule, 'bills

heretofore reported and not passed a first time,' which motion prevailed.

A resolution heretofore submitted by Mr. Marshall referring grant No. 3366 to the Secretary of State for adjudication, was taken up and read.

Mr. Yoakum moved to lay said resolution on the table.

And thereupon the question was had and determined in the negative—ayes 10, noes 10. The ayes and noes being required, the affirmative voters were

Messrs. Balch, Brown, Gillespy, Hardwicke, Laughlin, Love, Turney, Wheeler and Yoakum—10.

Those who voted in the negative were,

Messrs. Anderson, Ashe, Frey, Jennings, Jones of Hickman, Jones of Lincoln, Marshall, Reneau, Sevier and Terry—10.

And so said motion was rejected.

Mr. Gillespy thereupon moved to refer the said resolution and grant to the committee on land Claims.

And thereupon the question was had, and determined in the affirmative—ayes 11, noes 10. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Brown, Frey, Gillespy, Hardwicke, Laughlin, Love, Warner and Wheeler—11.

The negative voters were

Messrs. Ashe, Jennings, Jones of Hickman, Jones of Lincoln, Marshall, Reneau, Sevier, Terry, Yoakum and Speaker Coe—10.

And so said motion prevailed.

The resolution heretofore submitted by Mr. Brown, providing that the General Assembly will take no action on the chartered banks of this State in relation to the late suspension, but leave it to the president and directors of said banks to determine their own course, was taken up and read.

Mr. Jennings moved to amend the said resolution by including the Banks of Tennessee and Branches in the provisions of the said resolution, which motion prevailing the said resolution was read as amended and rejected—ayes 1, noes 20.

The ayes and noes being demanded, the affirmative voter was

Mr. Jennings—1.

The negative voters were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Frey, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Sevier, Terry, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Coe—20.

And so said resolution was rejected.

The resolutions submitted on yesterday by Mr. Jones of Lincoln requiring the several Banks of this State to resume the payment of specie and for other purposes, was taken up and read.

Mr. Warner moved to amend the said resolution by providing that the said banks should resume the payment of specie, on or before the 1st day of June next.

In lieu of which Mr. Jennings offered the following, to wit:—That said resumption shall take place as soon as the causes which occasioned the late suspension have ceased any longer to have an existence.

Mr. Hardwicke moved to refer the whole matter to the committee on the Judiciary, with instructions to report,

1st. Whether a refusal to redeem their liabilities on demand in gold or silver coin is a forfeiture of the charter of either.

2d. Whether paying in the stock in bank note paper, is cause of forfeiture.

3d. Whether paying in the stock required to be paid before the banks or either of them went into operation in bank notes, and not in specie, is a violation of the charters of either of said banks.

And thereupon the question was had and determined in the negative, ayes 6, noes 15. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Ashe, Hardwicke, Laughlin, Love, Turney and Speaker Coe—6.

Those who voted in the negative were,

Messrs. Aiken, Anderson, Balch, Brown, Frey Gillespy, Jennings, Jones of Hickman, Jones of Lincoln, Marshall, Reneau, Sevier, Terry, Warner, Wheeler and Yoakum—15.

And so said motion was rejected.

The question then recurred upon the amendment of Mr. Jennings in lieu of that of Mr. Warner's, and being thereon had it was determined in the negative—ayes 7, noes 15.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Brown, Frey, Gillespy, Jennings, Marshall, Reneau and Sevier—7.

The negative voters were

Messrs. Aiken, Anderson, Ashe, Balch, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Terry, Turney, Warner, Wheeler, Yoakum and Speaker Coe—15.

And so said amendment was rejected.

The question then recurred upon the amendment offered by Mr. Warner, during the pendency of which,

Mr. Ashe moved an adjournment until Monday morning 9 o'clock.

And thereupon the question was had and determined in the affirmative—ayes 11, nays 9. The ayes and noes being demanded, the affirmative voters were

Messrs. Aiken, Ashe, Balch, Brown, Frey, Hardwicke, Jennings, Love, Sevier, Terry and Turney—11.

Those who voted in the negative were

Messrs. Anderson, Gillespy, Jones of Hickman, Jones of Lincoln, Laughlin, Reneau, Warner Wheeler, Yoakum and Speaker Coe—10.

And then the Senate adjourned.

MONDAY MORNING, Dec. 23, 1839.

Mr. Anderson presented the petition of *W.* R. Donnell and fifty-six other citizens of Wilson in favor of the present law in regard to tippling houses, which was ordered to be transmitted to the House of Representatives.

Mr. Speaker Coe presented the petition of David M. Morrow and others, citizens of the fifteenth district of Fayette county, in relation to the change of a muster ground, which was ordered to be transmitted to the House of Representatives.

Mr. Gillespy from the joint select committee on the Ocoee lands, returned with an amendment, a bill for the relief of such persons as made improvements upon school sections in the Ocoee District.

Mr. Jones of Lincoln offered an amendment in lieu of the third section, and the bill and amendments, were on motion of Mr. Anderson laid on the table.

Mr. Yoakum moved that the Senate appoint a sergeant at arms to attend upon the joint select committee on the report of the Superintendent of Public Instruction, which motion was unanimously carried, ayes 21.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Terry, Turney, Warner, Wheeler, Yoakum and Speaker Coe—21.

And thereupon Mr. Yoakum nominated Francis G. Roach, who having received the unanimous vote of the Senators present, was declared duly elected sergeant at arms, and the necessary oaths were administered to the said Francis G. Roach by Elihu S. Hall, Esq., one of the acting Justices of the peace for Davidson county.

Mr. Marshall from the committee on the judiciary, reported a bill concerning the property of testators in certain cases, with an amendment which was concurred in, and the said bill was read as amended a second time and passed.

Mr. Laughlin submitted the following, to wit:

*Resolved by the General Assembly of the State of Tennessee,* That a joint select committee be appointed to consist of two members on the part of the Senate and three members on the part of the House of Representatives to examine the condition of the Secretary's office, and the condition and situation of the public documents, books, papers, records and archives with regard to the safety of the same; and report what measures may be necessary for the future keeping and security of the same, if any in addition to the measures already provided by law and resolutions of the General Assembly to enable the Secretary of State to safely keep and preserve the same; and any other matter which may be deemed necessary by said committee for the convenience and improvement of the condition and affairs of said office.

And the rule requiring resolutions to lie one day on the table being suspended, said resolution was adopted.

*Ordered*, That the said resolution be transmitted to the House of Representatives.

Mr. Laughlin introduced

A Bill to regulate the banks and banking in this State, which was read a first time and passed.

Mr. Gillespy moved that said bill be referred to the committee on banks, and that one hundred copies be printed thereof for the use of the Senate.

And the said motion having been divided, the question was had on motion to refer, and carried—ayes 14, noes 7.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jennings, Jones of Hickman, Laughlin, Love, Marshall, Reneau, Turney, Warner, Wheeler and Speaker Coe—14.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Jones of Lincoln, Sevier Terry and Yoakum—7.

And so said reference was ordered.

And the question being had on printing, it was carried into the affirmative; and one hundred copies of said bill were ordered to be printed for the use of the Senate.

Mr. Anderson introduced

A Bill to establish a branch of the Bank of Tennessee in each Senatorial District of this State, which was read a first time and passed.

Mr. Wheeler introduced

A Bill to make an additional Branch of the Bank of Tennessee at Knoxville, which was read a first time and passed.

Mr. Yoakum introduced

A Bill to limit the power of corporations, which was read a first time and passed.

Mr. Gillespy submitted the following, to wit:

*Resolved by the General Assembly of the State of Tennessee*, That the President and Directors of the Bank of Tennessee, report as soon as possible to this General Assembly the number of qualified voters in each county in this State; the amount of banking capital in the principal bank, and also in each of the branches; the amount to which each bank district is entitled upon the basis of the qualified voting population; and the amount of bonus to which each county in this State is entitled upon the basis aforesaid.

The resolution submitted on Friday 20th Dec. 1839, by Mr. Jones of Lincoln, requiring the several banks of this State to resume the payment of specie and for other purposes, were taken up and read. And the question being upon the amendment offered by Mr. Warner, that the said banks shall resume the payment of specie on or before the 1st day of June, 1840.

Mr. Jennings moved that the resolution and amendments be laid on the table, which motion failed—ayes 9, noes 11.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Brown, Hardwicke, Jennings, Laughlin, Love, Reneau, Warner and Speaker Coe—9.

The negative voters were,

Messrs. Aiken, Anderson, Ashe, Balch, Gillespy, Jones of Lincoln, Marshall, Sevier, Terry, Turney and Wheeler—11.

Mr. Gillespy moved the following amendment in addition to the first of said resolutions, to wit:

And that said banks be directed to suspend the collection of any notes, bills, or other liabilities due to said banks or any of them until such bank or banks, as the case may be, shall resume specie payments.

And the question being had thereon, the motion failed—ayes 10, noes 10.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Brown, Gillespy, Hardwicke, Jones of Lincoln, Love, Reneau, Terry and Wheeler—10.

Those who voted in the negative were

Messrs. Anderson, Ashe, Jennings, Jones of Hickman, Laughlin, Marshall, Sevier, Turney, Warner and Speaker Coe—10.

And so said amendment was rejected.

The question then recurred upon the amendment proposed by Mr. Warner, and being had, said motion prevailed—ayes 11 noes 9.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Jennings, Jones of Hickman, Laughlin, Love, Marshall, Reneau, Sevier, Turney, Warner and Speaker Coe—11.

The negative voters were

Messrs. Anderson, Ashe, Balch, Brown, Gillespy, Hardwicke, Jones of Lincoln, Terry and Wheeler—9.

And so said amendment was adopted.

Mr. Yoakum moved a re-consideration of the question on the said amendment, adopted on motion of Mr. Warner, and the question being thereon had, it was determined in the affirmative—ayes 17, noes 4.

The ayes and noes being required, those who voted in the affirmative were,

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Terry, Yoakum and Speaker Coe—17.

The negative voters were,

Messrs. Jennings, Turney, Warner and Wheeler—4.

And so said question was re-considered.

The question then again recurred on the amendment of Mr. Warner, and the same being had it was determined in the negative—ayes 9, noes 12.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Jennings, Jones of Hickman, Laughlin, Love, Marshall, Sevier, Turney, Warner and Speaker Coe—9.

The negative voters were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Gillespy, Hardwicke, Jones of Lincoln, Reneau, Terry, Wheeler, and Yoakum—12.

And so said amendment was rejected.

Mr. Turney then moved that the resolutions be referred to the committee on Banks.

And thereupon the question was had and determined in the negative—ayes 5, noes 16. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Hardwicke, Jennings, Love, Turney and Speaker Coe—5.

Those who voted in the negative were

Messrs. Anderson, Ashe, Balch, Brown, Gillespy, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Terry, Warner, Wheeler and Yoakum—16.

And so said motion was rejected.

Mr. Turney then moved that the question be taken separately on each of said resolutions, which motion prevailing, the question was put on the first of them and said resolution was adopted—ayes 12, noes 9.

The ayes and noes being demanded the affirmative voters were

Messrs. Aiken, Ashe, Balch, Brown, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Terry, Warner, Wheeler and Yoakum—12

Those who voted in the negative were

Messrs. Anderson, Jennings, Jones of Hickman, Love, Marshall, Reneau, Sevier, Turney and Speaker Coe—9.

And so said first resolution was adopted.

And the question being put on the second of said resolutions it was adopted—ayes 13, noes 8.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Terry, Turney, Warner, Wheeler Yoakum and Speaker Coe—13.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Jennings, Love, Marshall, Reneau and Sevier—8.

And so said second resolution was adopted.

And the question being put upon the third of said resolutions, was determined in the affirmative—ayes 14, noes 7.

The ayes and noes being demanded, those who voted in the affirmtive were

Messrs. Aiken, Ashe, Balch, Brown, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Terry, Turney, Warner, Wheeler and Yoakum—14.

Those who voted in the negative were

Messrs. Anderson, Jennings, Love, Marshall, Reneau, Sevier and Speaker Coe—7.

And so said third resolution was adopted.

Mr. Hardwicke then moved a re-consideration of the first and third of said resolutions and that said motion for re-consideration be laid on the table, which motion failed—ayes 9 noes 12.

The ayes and noes being demanded the affirmative voters were

Messrs. Aiken, Balch, Hardwicke, Jones of Hickman, Laughlin, Love, Turney, Warner and Speaker Coe—9.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Gillespy, Jennings, Jones of Lincoln, Marshall, Reneau, Sevier, Terry, Wheeler and Yoakum—12.

And so the Senate refused to re-consider and lay said motion on the table.

Mr. Hardwicke then moved that the question of re-consideration be made the order of the day for Wednesday next, which motion failed—ayes 9, noes 12.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Hardwicke, Jones of Hickman, Laughlin, Love, Marshall, Reneau, Turney, Warner and Speaker Coe—9.

The negative voters were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Gillespy, Jennings, Jones of Lincoln, Sevier, Terry, Wheeler and Yoakum—12.

And so said motion was rejected.

The question then recurred upon the motion to re-consider the first and third of the resolutions introduced by Mr. Jones of Lincoln, and the same being had it was determined in the affirmative—ayes 13 noes 8.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson Ashe, Hardwicke, Jennings, Jones of Hickman, Laughlin, Love, Marshall, Reneau, Sevier, Turney, Warner and Speaker Coe—13.

Those who voted in the negative were

Messrs. Aiken, Balch, Brown, Gillespy, Jones of Lincoln, Terry, Wheeler and Yoakum—8.

And so the Senate agreed to re-consider said resolutions.

Mr. Warner then moved to amend the first of said resolutions by inserting on or before the 10th day of June 1840.

Pending the consideration of which

The Senate adjourned.

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TUESDAY MORNING, Dec. 24, 1839.

Mr. Speaker Coe presented two communications from Wm. Nichol, Esq. President of the Bank of Tennessee; one in compliance with a resolution of the Senate of the 23d October, and one in obedience to a resolution of the Senate of the 20th inst. calling for certain information relative to the amount of discounts made by the Bank since the suspension of specie payments; which were severally read and ordered to the table.

A message from the House of Representatives by Mr. Crockett their Clerk.

Mr. Speaker: The House of Representatives have read a third time and rejected the following bills from the Senate, to wit:

A bill to amend the several laws now in force in this State concerning bastardy,

And a bill to lessen the expenses of settlements with guardians in certain cases,

The House have read a third time and passed a bill to authorize aliens to hold, convey, mortgage, lease, demise and inherit real estate, lands and other property, and for other purposes,

A bill to authorize the issuance of grants in certain cases,

A bill to extend and explain the provisions of the act in 1794, ch. 1, sec. 32, concerning witnesses,

A bill for the relief of Erby Boyd of Bradley county,

A bill prescribing the manner in which the laws of other States of this Union shall be received as evidence in this State, and

A bill further to amend an act entitled an act more effectually to subject property in this State belonging to non-resident debtors to the payment of their debts due citizens of this and other States, passed 15th Feb'y, 1836.

They have also read a third time and passed, with sundry amendments, the following bills from the Senate, herewith transmitted, in which they ask the concurrence of the Senate, to wit:

A bill to incorporate the Van Buren academy, in Fentress county, and a bill to secure certain persons to the right of citizenship.

Which bills were severally read, and the amendments concurred in and the said bills read a third time and passed.

They have also read a third time and passed

A bill to incorporate the Bersheba Chalebiate Springs in the county of Warren, and the Bloomingdale Medicinal Springs in Franklin county, and the Coffee county medicinal Spring.

They have also received a petition from sundry citizens of Cannon county on the subject of herding cattle; which was, on motion of Mr. Laughlin, referred to the committee on agriculture and manufactures.

Also a communication from Joseph Fossett and others, citizens of Missouri, on the subject of banking, which was read, and on motion of Mr. Warner referred to the committee on Federal Relations.

On motion of Mr. Gillespy, the Senate agreed to reconsider the resolution offered by Mr. Jones of Lincoln on the 20th instant, amending the rules of the Senate.

Whereupon Mr. Jones of Lincoln submitted the following in lieu of said resolution, to wit:

*Resolved*, That it shall be a standing rule of the Senate that after the transaction of the morning's business under the existing rules, business shall be done in the following order, to wit:

1. The introduction of resolutions and bills,
2. Resolutions which have been introduced shall be considered,
3. House bills on their third reading,

House bills on their second reading,
5. House bills on their first reading,
6. Senate bills on their third reading,
7. Senate bills on their second reading,

And that the Speaker shall direct the business to be taken up accordingly, and that no bill or resolution shall be introduced or considered otherwise than prescribed in this resolution.

And the question being put thereon, the said amendment was agreed to and the resolution adopted.

Mr. Reneau returned a bill for the relief of James Spencer, a citizen of Meigs county, in the Ocoee district, as being correctly enrolled.

Mr. Ashe presented an additional report from Charles Potts, Engineer of the Lagrange and Memphis Rail Road Company, which having been read,

On motion of Mr. Ashe, Ordered, that one hundred copies of said additional report and of the original report be printed for the use of the Senate.

Mr. Laughlin submitted the following resolution, to wit:

*Resolved*, That the committee on banks be instructed to enquire and report by bill such amendment as may be deemed necessary to the 17th section of the act establishing the Bank of the State of Tennessee, passed the 19th day of January, 1838, so as to give notice to the citizens of the several counties in this State in which branch banks are not located, by notices put up at the court house door in such counties, or by some more effectual means than is provided for in said section, of the amount of money which the citizens of said county may be entitled to borrow at the bank or branch bank to which such counties may be attached in the arrangement of bank districts, upon each and every apportionment of the capital and funds of said bank and branches.

And the rule having been suspended, said resolution was adopted.

A message from the House of Representatives by Mr. Crockett, their clerk.

Mr. Speaker: The House of Representatives concur in the resolution of the Senate to appoint a joint select committee to examine the condition of the office of the Secretary of State, with an amendment providing that said committee shall consist of two members on the part of the Senate, and four on the part of the House, instead of three on the part of the House, as therein provided, and have appointed Messrs Gaines, Jacobs, Foster and Hill to be of said committee on the part of the House, in which they ask the concurrence of the Senate.

Whereupon the Senate concurred in said amendment, and Messrs. Laughlin and Ashe were appointed to be of said committee on the part of the Senate.

On motion of Mr. Anderson, the Senate took up a bill for the relief of such persons as made improvements upon school sections in the Ocoee district.

The amendment heretofore adopted in lieu of the whole being under consideration,

Mr. Jones of Lincoln offered the following in lieu of the third section of said amendment, to wit:

That certificates issued as provided for in the second section of this act, shall be paid by the commissioners of the section of school land upon which such improvement shall have been made, out of the first monies which shall come into their hands as commissioners.

Mr. Gillespy moved the following as an amendment to the third section:

And the township in which school sections are situated which shall have the improvements therein valued as provided in this act, shall not be entitled to the amount of such valuation in the distribution of the common school fund, in the several counties in this State, and it shall be the duty of the superintendent of public instruction, in making the apportionment of the common school fund, as provided, by land sections valued thereon, the amount of such valuation from each township respectively.

Which amendment was adopted. The question then recurred upon the amendment of Mr. Jones of Lincoln,—during the pendency of which

Mr. Yoakum moved that the bill and amendments be recommitted to the committee on education and common schools, which motion prevailed, and said recommittal was ordered.

On motion of Mr. Hardwicke, the Senate took up on its second reading a bill to increase the tax on brokers.

Mr. Hardwicke moved to strike out of the last line of said bill, the word 'two' and insert 'one hundred,' so as to make the annual tax on brokers one hundred thousand dollars; which motion was rejected—ayes 10, noes 11.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Balch, Gillespy, Hardwicke, Jones of Hickman, Love, Turney, Warner, Wheeler, Yoakum and Speaker Coe—10.

The negative voters were,

Messrs. Aiken, Anderson, Ashe, Brown, Jennings, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier and Terry—11.

And so said motion failed.

Mr. Warner moved to strike out 'two' and insert 'five,' so as to make the annual tax on brokers five thousand dollars.

The question being had, said motion was agreed to and the amendment adopted. The bill was then read a second time as amended and passed.

The Senate then took up the unfinished business, and the resolutions submitted by Mr. Jones of Lincoln on the 20th inst. The question being upon the first and third resolutions, as agreed to be reconsidered.

The question recurred upon Mr. Warner's motion to insert, on or before the 1st day of June, 1840.

And thereupon the question was had and determined in the affirmative—ayes 14, noes 7. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Hardwicke, Jennings, Jones of Hickman, Laughlin, Love, Marshall, Reneau, Sevier, Turney, Warner and Speaker Coe—14.

Those who voted in the negative were

Messrs. Aiken, Balch, Gillespy, Jones of Lincoln, Terry, Wheeler and Yoakum—7.

And so said amendment was accepted.

Mr. Gillespy then moved to add to the first resolution 'and that said banks be directed to suspend the collection of interest during the time of such suspension, which amendment was rejected—ayes 10, noes 11.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Balch, Brown, Gillespy, Hardwicke, Jones of Lincoln, Love, Terry, Wheeler and Yoakum—10.

The negative voters were

Messrs. Aiken, Anderson, Jennings, Jones of Hickman, Laughlin, Marshall, Reneau, Sevier, Turney, Warner and Speaker Coe—11.

And so said amendment was rejected.

Mr. Hardwicke then offered the following additional resolution, to be inserted after the first, to wit:

*Resolved*, That the Banks shall not declare any dividend during the term of suspension, nor for sixty days thereafter, except such dividend as may be due the State and common school fund.

And thereupon the question was had and determined in the negative, ayes 8, noes 12. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Hardwicke, Jones of Hickman, Laughlin, Love, Turney, Warner and Speaker Coe—8.

Those who voted in the negative were,

Messrs. Aiken, Ashe, Balch, Brown, Gillespy, Jennings, Jones of Lincoln, Marshall, Reneau, Sevier, Wheeler and Yoakum—12.

And so said amendment was rejected.

The question then recurred upon the adoption of said first resolution of Mr. Jones of Lincoln as amended, and being thereon had was determined in the negative—ayes 10, noes 10.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Brown, Hardwicke, Jones of Hickman, Laughlin, Love, Reneau, Turney, Warner and Speaker Coe—10.

Those who voted in the negative were

Messrs. Aiken, Anderson, Balch, Gillespy, Jennings, Jones of Lincoln, Marshall, Sevier, Wheeler and Yoakum—10.

And so said resolution was rejected.

Mr. Jones of Lincoln thereupon offered the following amendment in lieu of the third resolution, to wit:

*Resolved*, That the attorney General be directed forthwith to cause scire facias to issue against each of said Banks respectively, pursuant to law, and their several charters, calling upon each of said banks to show cause why their said charters of incorporation respectively shall not

be declared forfeited. Which amendment was adopted; ayes 12, noes 8.

The ayes and noes being demanded, the affirmative voters were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Turney, Warner, Wheeler and Yoakum—12.

Those who voted in the negative were,

Messrs. Anderson, Ashe, Brown, Jennings, Marshall, Reneau, Sevier and Speaker Coe—8.

And so said amendment was adopted.

Mr. Yoakum then moved the following as an additional resolution, to wit:

*Resolved*, That a copy of the above resolutions be transmitted to each of the stock banks of this State.

Mr. Marshall thereupon moved that the said resolutions and amendments be laid upon the table.

And thereupon the question was had and determined in the affirmative—ayes 11, noes 9. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson. Ashe, Hardwicke, Jennings, Laughlin, Love, Marshall, Reneau, Sevier, Turney and Speaker Coe—11.

The negative voters were

Messrs. Aiken, Balch, Brown, Gillespy, Jones of Hickman, Jones of Lincoln, Warner, Wheeler and Yoakum—9.

And so said resolutions and amendments were laid on the table.

Mr. Anderson then moved that the Senate adjourn until Friday, 9 o'clock, a. m.

And thereupon the question was had and determined in the negative—ayes 9, noes 12. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Brown, Gillespy, Jennings, Marshall, Sevier and Terry—9.

The negative voters were

Messrs. Ashe, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Turney, Warner, Wheeler and Mr. Speaker Coe—12.

And so said motion was rejected.

Mr. Gillespy then moved that the Senate adjourn until Thursday evening next, 3 o'clock.

And thereupon the question was had and determined in the negative—ayes 10, noes 11. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Gillespy, Hardwicke, Jennings, Marshall and Wheeler—10.

The negative votere were

Messrs. Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Sevier, Terry, Turney, Warner, Yoakum and Speaker Coe—11.

And so the Senate refused to adjourn.

On motion of Mr. Brown, the Senate took up a bill to change the

time of holding the circuit courts of Henderson and Perry counties and for other purposes.

Mr. Brown thereupon offered an amendment in lieu of the whole, which was adopted.

Said bill was then read as amended a first time and passed.

On motion of Mr. Jennings, the Senate took up on its third reading a bill from the House to exempt certain persons from military duty.

And the question being had thereon, the said bill passed.

The ayes and noes being required by the constitution, those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Brown, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Sevier, Terry, Warner, Wheeler, Yoakum and Speaker Coe—18.

Mr. Turney voting in the negative—1.

And so said bill passed its third and last reading.

Mr. Anderson then moved that the Senate adjourn until Friday next, 10 o'clock a. m.

And thereupon the question was had, and determined in the affirmative—ayes 12, noes 7. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Gillespy, Hardwicke, Jennings, Love, Marshall, Reneau, Sevier, Terry and Wheeler—14.

Those who voted in the negative were

Messrs. Jones of Hickman, Jones of Lincoln, Laughlin, Turney, Warner, Yoakum and Speaker Coe—7.

And so the Senate adjourned until Friday morning next, 10 o'clock.

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Friday Morning, Dec. 27, 1839.

Mr. Laughlin presented a petition from sundry citizens of Franklin county, praying for the incorporation of a turnpike company to construct a road from Shelbyville by way of Winchester to Jasper. And

A Bill to incorporate the Shelbyville, Winchester and Jasper turnpike company, which were severally read; and the bill having passed a first time, the petition and bill were referred to the committee on Internal Improvements.

Mr. Speaker Coe introduced

A Bill for the relief of Curtis Kenedy. And

A Bill to incorporate the Memphis manufacturing company; which were read a first time and passed.

Mr. Gillespy offered a resolution in relation to the Western and Atlantic rail road, to wit:

Whereas it appears from a communication from the engineer in chief of the State of Georgia, as well as from the legislative proceedings of that State, that an opinion is entertained that the State of Tennessee has it in contemplation to construct a rail road from the city of Nashville across the Cumberland mountains to connect with the western and Atlantic rail road of Georgia, on the southern bank of the Ten-

nessee river at Chatanooga. And whereas, it is fit and proper, that on a subject of such importance, the views, wishes, opinions and intentions of the people of Tennessee should be made known, through her Representatives, that the State of Georgia may act understandingly on the subject. Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That it is considered unwise impolitic, if not impracticable to construct a rail road from Nashville to Chatanooga; and that in the opinion of this legislature, a route far more preferable as it regards practicability and cheapness of construction as well as other considertions, can be found in the direction of Ditto's or Gunter's landing on the Tennessee river.

*Be it further resolved,* That the Governor of this State forward a copy of the foregoing preamble and resolutions to the Governor of the State of Georgia. Which was read and by a standing rule of the Senate, laid on the table for one day.

A message from the House of Representatives by Mr. Crockett, their Clerk:

Mr. Speaker: The House of Representatives have received a petition from sundry citizens of Hamilton county, praying that the taxes and revenue arising from said county on licensed privileges and occupations, on suits of law and registration for the next two succeeding years, be granted to them to aid in the erection of a court house and jail for said county, and have ordered the same to be transmitted to the Senate.

And then he withdrew.

Mr. Yoakum offered the following resolution:

*Resolved,* That the committee on privileges and elections, be instructed to inquire into the charges contained in a certain memorial from certain citizens of Rutherford county heretofore referred to them; that they inquire the names of those who are charged in said memorial with having voted fraudulently, by what kind of testimony the memorialists were led to decide upon the illegality of each vote, whether the persons so charged with voting fraudulently had any notice of the examination of their right to vote; whether said memorialists held their meetings publicly and gave public notice of the time and place, when and where they would make their investigations, or whether said investigations were secretely conducted; by what means said memorialists ascertained who the said illegal voters supported in the late election in Rutherford county. That they further enquire in what two districts of Rutherford county some fifty illegal votes were supposed to have been given, and whether any of said memorialists reside in said two districts; and that said committee have power to send for persons and papers.

And the rule requiring resolutions to lay one day on the table being suspended, said resolution was adopted.

On motion of Mr. Yoakum the Senate took up a bill to regulate the receipt and disbursement of the common school monies, with amendments proposed by the House of Representatives thereto, which amendments were concurred with, and said bill was ordered to be enrolled.

Mr. Jones of Lincoln moved a re-consideration of the vote concurring in the amendments proposed by the House of Representatives on a Bill to restore certain persons to the rights and privileges of citizens, which motion was agreed to and said bill was re-considered.

Thereupon Mr. Jones of Hickman proposed the following amendment to said bill:

Provided nothing herein contained shall be so construed as to authorize any attorney general of this State to enter *nolli prosequi* against any person charged for having printed any scheme of any lottery unless such person so charged shall satisfy the attorney general in whose district such offence may have been committed, that he or they be charged accordingly to the second section of this bill had no interest in such lottery, other than such fee or fees which they might be entitled to as printer.

And the question being thereon had said amendment was adopted.

Mr. Jones of Lincoln made the following motion:

That the clerk correct so much of the Journal of the Senate as states that the Senate concurred with the House amendment to the bill to protect the owners of mills in the enjoyment of their rights, which amendments were never concurred with by the Senate.

And the question being thereon had, said motion was agreed to.

The following bills from the House of Representatives were read a first time and passed, to wit:

A Bill to amend the inspection laws of this State, in relation to the inspection of flour.

A Bill to consolidate the entry takers and surveyors offices for the counties of Hickman and Blount.

A Bill to repeal part of an act passed on the 9th day of February 1836, entitled, An act to provide for the appointment of a collector of the revenue to define his duties and for other purposes.

A Bill to amend the fifth section of an act entitled, An act setting forth the property real and personal, and the privileges and occupations liable to taxation in this State.

A Bill to repeal the sixth section of an act passed the 19th day of Jan. 1838 entitled, An act to incorporate the inhabitants of the town of Knoxville in Knox county, passed Oct. 27, 1835.

A Bill to extend the corporation limits of the town of Hartsville in Sumner county.

A Bill to establish a Chancery court at Clarksville.

A Bill to incorporate the Trustees of the Ripley academy in Lauderdale county.

The Senate took upon its first reading.

A Bill to repeal all laws which subject defendants in State prosecutions, to the payment of the cost of their own witnesses when they are acquitted by the verdict of a jury or discharged by an unanimous court, which was read a first time and passed, and on motion was referred to the committee on the judiciary.

A Bill to increase Sheriffs' bonds and for other purposes, which was

read a first time and passed, and on motion was referred to the committee on the judiciary.

The Senate took upon its first reading, a Bill to incorporate the Van Buren Academy in Fentress county, which was read a first time and passed, and on motion of Mr. Yoakum was referred to the committee on education and Common Schools.

The Senate took upon its first reading, a Bill to attach a portion of Stewart county to the county of Humphreys, which was read a first time and passed, and on motion of Mr. Jones of Hickman, was referred to the committee on public lands.

The Senate took upon its first reading, a Bill to suppress drunkeness, which was read a first time and passed, and on motion of Mr. Yoakum, was referred to the committee on the Judiciary.

The Senate took upon its first reading, a Bill to amend an act entitled, An act to increase the jurisdiction of Justices of the peace.

Mr. Jones of Lincoln moved that the said bill be indefinitely postponed, which motion failed—ayes 7, noes 12.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Ashe, Jones of Lincoln, Marshall, Sevier, Turney and Speaker Coe—7.

Those who voted in the negative were

Messrs. Balch, Brown, Gillespy, Jennings, Jones of Hickman, Laughlin, Love, Reneau, Smith, Warner, Wheeler and Yoakum—12.

And so said motion failed, and the bill was read a first time and passed, and on motion of Mr. Gillespy was referred to the committee on the Judiciary.

The Senate took up on its first reading, a Bill to amend the law in relation to the appointment of deputy surveyors south and west of the congressional reservation line.

And thereupon the question was had, and determined in the affirmative—ayes 20, nays 0. The ayes and noes being demanded, the affirmative voters were

Messrs. Aiken, Ashe, Balch, Brown, Gillespy, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—20.

There being no negative vote.

And so said bill passed a third time, and was ordered to be enrolled and transmitted to the office of the Secretary of State.

A bill for changing the time of holding the Circuit courts for the counties of Carroll, Benton, Perry, Hardin, Wayne and Lawrence, which was read and passed a second time.

A message from the House of Representatives by Mr. Crockett their clerk.

Mr. Speaker: The House of Representatives have read a third time and passed the Senate's bill entitled, A bill to regulate the receipt and disbursement of the common school fund with sundry amendments, in which they ask the concurrence of the Senate.

Whereupon said amendments were read and concurred with, and ordered to be enrolled. And

Mr. Reneau from the committee on enrollments, reported as correctly enrolled, An act for the relief of Erby Boyd of Bradley county.

Thereupon the Speaker of the Senate signed said act, ordered that it be transmitted to the House of Representatives.

A message from the House of Representatives by Mr. Crockett their clerk.

Mr. Speaker; The House of Representatives have read a third time and passed bills with the following titles, to wit:

A bill for the benefit of certain persons residing on part of Walden's ridge in Rhea county.

A bill to explain an act passed Nov. 7th, 1837, conferring additional authority on the commissioners of the town of Perryville and for other purposes.

A bill to confer certain privileges on the commissioners of the town of Dyersburg.

A bill to appropriate the school lands in the Ocoee District to the use of schools for the instruction of children therein.

A bill giving further time for obtaining grants in the Hiwassee District.

A bill to give the County court the power to elect commissioners on the Obion river and for other purposes.

A bill to provide for the entry of sites for meeting and school houses in the Ocoee District.

A bill to declare the Conasawga river navigable.

A bill to repeal an act entitled, An act to attach a part of Perry county to the county of Wayne passed December 26, 1837.

A bill to authorize the County court of Hamilton county to permit the building of mills in certain cases.

A bill granting further time to Samuel B. Mead to complete his road across the Lookout and Racoon mountains.

A bill to incorporate the Tennessee and Hatchie canal company.

And a Bill to incorporate the Central Female Academy at Hartsville. And then the messenger withdrew.

The Senate took up a Bill to restore certain persons to the rights and privileges of citizens, this day re-considered on motion of Mr. Jones of Lincoln, and the question recurring on a concurrence with the amendment proposed by the House of Representatives, it was suggested, and on examination ascertained, that by error the Senate had entered upon the journal, that the House's amendment had been concurred in, and by message informed the House thereof.

Thereupon the Senate ordered that the House of Representatives be informed that said message was ordered to be transmitted through mistake. The Senate concurred with the amendments proposed by the House of Representatives to said bill.

*Ordered*, That the clerk acquaint the House with said concurrence and the amendment proposed by the Senate.

And then the Senate adjourned.

SATURDAY MORNING, Dec. 28, 1839.

Mr. Gillespy, from the committee on internal improvement, reported a bill to incorporate the Vanville rail-road company, and recommended the passage of the same.

Thereupon said report was concurred with, and the bill was read a second time and passed.

A message from the House of Representatives by Mr. Crockett, their clerk:

Mr. Speaker: The House of Representatives have read a third time and passed

A bill repealing all laws declaring Wolf river navigable.

A bill authorizing a special term of the Chancery court at Sommerville.

A bill giving further time for running out entries and obtaining grants founded on good and valid warrants.

A bill to prescribe the time the several laws in this State shall take effect.

A bill for the relief of Henry Stephens of Monroe county.

And then he withdrew.

Mr. Jones of Lincoln submitted the following, to wit:

*Resolved by the General Assembly of the State of Tennessee*, That the attorney for the Eighth Solicitorial District for this State be, and he is hereby directed to institute in the name of the Bank of Tennessee, or in the name of the State of Tennessee, a suit against the person who was cashier at the time of the robbery of the Branch of the Bank of Tennessee at Columbia for the recovery of the money lost by said bank in August or September last, and charged to suspense account of said branch bank.

*Resolved*, That the Secretary of State, or any other person having possession of the bond or bonds of said cashier, be directed to deliver the same to said attorney general on application, and the suit herein directed to be instituted shall be against said cashier and his securities.

*Resolved*, That the Governor transmit a copy of these resolutions to said attorney general.

And the rule being suspended requiring resolutions to lay one day on the table,

Mr. Jones of Hickman moved that the words 'the Attorney General of the State' be inserted in the first of said resolutions after the word 'that' in the commencement.

Mr. Marshall moved that said resolutions and amendment be referred to the committee on the judiciary; which motion failed, and said reference refused.

Mr. Turney then moved the following amendment in lieu of the amendment proposed by Mr. Jones of Hickman, to wit:

And that James Campbell also be employed to attend to said suit.

And thereupon the question was had and determined in the negative—ayes 9, noes 12. The ayes and noes being required, the affirmative voters were

Messrs. Aiken, Ashe, Brown, Jennings, Laughlin, Love, Terry, Turney and Speaker Coe—9.

The negative voters were

Messrs. Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Marshall, Reneau, Sevier, Smith, Warner, Wheeler and Yoakum—12.

And so said amendment was rejected.

Mr. Laughlin then moved the following in lieu of the amendment proposed by Mr. Jones of Lincoln, to wit:

And that it shall be the duty of the Bank of Tennessee to employ counsel to assist said attorney general, if the directory shall deem it necessary, and provided the fee paid to such assistant counsel shall not exceed two hundred and fifty dollars.

And thereupon the question was had and determined in the negative, ayes 10, noes 11. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Brown, Gillespy, Hardwicke, Jennings, Laughlin, Love, Reneau, Sevier, Smith and Speaker Coe—10.

The negative voters were

Messrs. Aiken, Ashe, Balch, Jones of Hickman, Jones of Lincoln, Marshall, Terry, Turney, Warner, Wheeler and Yoa-kum—11.

And so said amendment was rejected.

The question then recurred on the amendment proposed by Mr. Jones of Hickman; and being thereon had, said amendment was rejected—ayes 9, noes 12.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Ashe, Balch, Jennings, Jones of Hickman, Jones of Lincoln, Sevier, Warner and Wheeler—9.

The negative voters were

Messrs. Brown, Gillespy, Hardwicke, Laughlin, Love, Marshall, Reneau, Smith, Terry, Turney, Yoakum and Speaker Coe—12.

And so said amendment was rejected.

On motion of Mr. Yoakum, the resolutions were ordered to the table.

A message from the House of Representatives by Mr. Crockett, their Clerk:

Mr. Speaker: The Speaker of the House of Representatives has this day signed An act for the relief of Erby Boyd of Bradley county.

And then he withdrew. Thereupon it was ordered that said act be deposited in the office of the Secretary of State.

Mr. Jennings then moved that the Senate adjourn until Monday Morning, at half past nine o'clock.

And thereupon the question was had and determined in the affirmative—ayes 11, noes 10. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Ashe, Brown, Gillespy, Hardwicke, Jennings, Marshall, Reneau, Sevier, Terry and Turney—11.

Those who voted in the negative were

Messrs. Balch, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Warner, Wheeler, Yoakum and Speaker Coe—10.

And so the Senate adjourned.

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MONDAY MORNING, Dec. 30, 1839.

Mr. Marshall, from the committee on the judiciary, reported a bill to suppress drunkenness.

A bill to repeal all laws which subject defendants in State prosecutions to the payment of the cost of their own witnesses when they are acquitted by the verdict of a jury or discharged by an examining court, and recommended the rejection of said bills.

The same from the same, reported a bill to increase the bonds of sheriffs and constables and for other purposes, and

A bill to provide for the collection of demands due the State, or due the State Bank of Tennessee, or other demands in which the State has an interest, and recommended the passage thereof.

Whereupon the Senate took up so much of said report as relates to a bill to repeal all laws which subject defendants in State prosecutions to the payment of the cost of their own witnesses when acquitted by the verdict of a jury, or discharged by an examining court.

Mr. Gillespy proposed an amendment in lieu of the whole bill from the enacting clause.

Mr. Balch proposed an amendment in addition to said amendment. And the question being thereon had, it was determined in the affirmative—ayes 12, noes 11. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Frey, Gillespy, Jones of Hickman, Love, Terry, Warner and Wheeler—12.

The negative voters were

Messrs. Hardwicke, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Smith, Turney, Walton, Yoakum and Speaker Coe—11.

And so said amendment was adopted.

The bill was then read as amended a third time.

Mr. Warner then moved that the Senate non-concur with the report.

And thereupon the question was had and determined in the negative—ayes 11, noes 12. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson Ashe, Balch, Gillespy, Jones of Hickman, Love, Terry, Warner and Wheeler—11.

Those who voted in the negative were

Messrs. Brown, Frey, Hardwicke, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Smith, Walton, Yoakum and Speaker Coe—12.

So the Senate refused to non-concur, and said bill was rejected.

Mr. Marshall from the same committee, to whom was referred a bill to increhse the amount of the penalty of the bonds of the sheriffs and constables, and for other purposes, reported the same without amend-

ment, and recommended its passage. Which report was concurred in, and said bill was read a second time and passed.

The same from the same, reported a bill to provide for the collection of demands due the State or due the Bank of Tennessee, or other demands in which the State is interested, and recommended its passage.

Said report was concurred in, and the bill passed its first reading.

A message from the House of Representatives by Mr. Crockett their Clerk.

Mr. Speaker: The House of Representatives have this day read and rejected a bill to repeal part of an act passed in 1762, in relation to apprentices:

A bill to repeal part of the 7th section of an act passed in the year 1835. And then he withdrew.

Mr. Reneau, from the committee on enrolments, reported as correctly enrolled, an act to regulate the receipt and disbursemnt of common school monies.

Whereupon the speaker signed said enrolled act and ordered it to be transmitted to the House of Representatives.

The Senate then took up on its third reading a bill giving to Johnson county the State tax for the years 1840 and 1841.

Mr. Jones of Hickman moved to amend said bill by inserting the word 'Humphreys' after the word 'Overton,' which was agreed to.

Mr. Terry moved to amend said bill by inserting 'Hamilton county,' which was agreed to.

Mr. Jones of Lincoln moved to amend the said bill by inserting, and every other county in the State which by the county court thereof will claim the same. Which was agreed to.

The question was then put on the passage of said bill and failed—ayes 3, noes 19.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Laughlin, Terry and Turney—3.

Those who voted in the negative were

Messrs. Aiken, Anderson, Balch, Brown, Frey, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Love, Marshall, Reneau, Sevier, Smith, Walton, Warner, Wheeler Yoakum and Speaker Coe—19.

And so said bill was rejected.

On motion of Mr. Terry the Senate took up a bill to authorize Josiah M. Anderson and George W. Williams to open a turnpike road.

Mr. —— asked and obtained leave to withdraw said bill for amendment.

Mr. Yoakum submitted the following resolution, to wit:

*Resolved by the General Assembly of the State of Tennessee*, That the Senate will meet the House of Representatives on Thursday, the 2d day of January next, to go into the election of a Superintendent of Public Instruction.

A bill for the benefit of the citizens of Hickman county and for other purposes, was read a third time and passed—ayes 20.

The ayes and noes being demanded the affirmative voters were

Messrs. Aiken, Anderson, Balch, Frey, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—20.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

On motion of Mr. Hardwicke the rule was suspended, and a bill to attach a portion of Stewart county to the county of Humphreys was taken up, read a second time and passed—ayes 15, noes 6.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Ashe, Brown, Frey, Gillespy, Hardwicke, Laughlin, Reneau, Sevier, Smith, Walton, Warner, Wheeler, Yoakum and Mr. Speaker Coe—15.

Those who voted in the negative were

Messrs. Balch, Jones of Hickman, Jones of Lincoln, Love, Marshall and Turney—6.

And so said bill passed its second reading.

A bill to remove the branch of the Bank of Tennessee from Clarksville, in the county of Montgomery, to the town of Sparta, in White county, was taken up and read.

Mr. Hardwicke moved that the word Sparta be stricken out for the purpose of inserting Charlotte; which motion failed—ayes 9, noes 14

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Brown, Frey, Hardwicke, Jones of Hickman, Marshall, Reneau, Sevier and Walton—9.

Those who voted in the negative were

Messrs. Aiken, Anderson, Balch, Gillespy, Jones of Lincoln, Laughlin, Love, Smith, Terry, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Coe—14. And so said motion was rejected.

Mr. Gillespy moved to strike out the remainder of the said bill after the word White, which motion he afterwards withdrew.

Mr. Yoakum submitted an amendment providing for the removal of the branch bank located at Trenton, in the county of Gibson, to Paris, in the county of Henry.

Mr. Sevier moved that said amendment be laid on the table, which motion failed—ayes 9, noes 15.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier. Terry and Walton—9.

The negative voters were,

Messrs. Aiken, Anderson, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Wheeler, Yoakum and Speaker Coe—15. And so said motion failed.

Mr. Love presented a memorial in relation to said amendment, which was read.

Mr. Ashe then offered an amendment to the amendment of Mr. Yoa-

kum, providing for the removal of the branch bank located at Sommerville, in the county of Fayette, to Brownsville, in the county of Haywood.

Mr. Love moved that the bill with the amendments be laid on the table, which motion failed.

Mr. Brown moved that the words 'Paris in the county of Henry,' be stricken from the amendment proposed by Mr. Yoakum, and the words 'Huntingdon in the county of Carroll' inserted in lieu. Which motion was withdrawn.

The question then recurred on the motion of Mr. Love to lay the amendment of Mr. Ashe on the table; and being had thereon, prevailed—ayes 14, noes 10.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Falch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Wheeler Yoakum and Speaker Coe—14.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Terry and Walton—10.

And so said amendment was laid on the table.

Mr. Anderson then moved the following as an amendment in lieu of the whole bill and amendments, to wit:

A bill to establish a Branch of the Bank of Tennessee in each Senatorial district of this State.

Whereas, the Bank of Tennessee was established as well for the convenience and accommodation of the good people of this State as to raise a fund for the purposes of promoting internal improvements, and defray the expenses of academies and common schools, objects highly and deserving the fostering care of the Legislature of a free and civilized country; and

Whereas, the charter of the said Bank contains a provision that its loans and accommodations shall be alike extended to all the counties of this State in proportion to their qualified voters; and whereas, the location of said bank and its branches is remote from the larger portion of the citizens entitled to its benefits; and whereas, those who seek to avail themselves of the benefits intended to be conferred by the charter of the said institution, are subject to great inconvenience and expense in travelling to the several branches assigned to afford them loans and accommodations; therefore, to remedy these evils and inconveniences,

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a branch of the Bank of Tennessee shall be established and located in the town of Brownsville, in the county of Haywood; in the town of Paris, in the county of Henry; in the town of Perryville, in the county of Perry; in the town of Centreville, in the county of Hickman; in the town of Charlotte, in the county of Dickson; in the town of Franklin, in the county of Williamson; in the town of Murfreesborough, in the county of Rutherford; in the town of Fayetteville, in the county of Lincoln; in the town of M'Minnville, in the county of

Warren; in the town of Sparta in the county of White; in the town of Carthage, in the county of Smith; in the town of Knoxville, in the county of Knox; in the town of Jacksborough, in the county of Campbell; in the town of Chattanooga, in the county of Hamilton; in the town of Sevierville, in the county of Sevier; in the town of Jonesborough, in the county of Washington; in the town of Lebanon, in the county of Wilson.

Sec. 2. That the capital stock of said bank shall be apportioned by the President and Directors of the Principal Bank among the several branches hereby established, in proportion to the number of qualified voters residing in each senatorial district of the State to be loaned and discounted upon in the manner and for the purposes specified in the act by which the Bank of Tennessee was chartered.

Sec. 3. That it shall be the duty of the president and directors of the principal bank to recall from the branches heretofore established, so much and such parts of their capital heretofore apportioned, as may be necessary to equalize the capital of said bank according to the principles specified in this act.

Sec. 4. That it shall be the duty of the present General Assembly to appoint the directors of the branches heretofore, and hereby established.

Sec. 5. That the directors of the said branches heretofore located, and hereby established, shall consist of five citizens, resident in the bank district, of whom there shall be a quorum competent to do all business which pertain to said branch bank.

Sec. 6. That the directors at said branches shall appoint from their own body a president, and that said president so chosen, and the other four directors shall appoint a cashier and all other officers who shall be required to carry on the operations of such branch bank.

Sec. 7. That the president and directors of the several branches hereby established, as well as the branches heretofore located, shall be governed by the same rules and regulations prescribed by the act chartering the Bank of Tennessee, and the rules and orders of the directors of the principal bank, and the presidents of the several branches heretofore made and hereafter to be made in conformity with, or to the act passed on the day of entitled,

Sec. 8. That the apportionment of the capital of the Bank of Tennessee hereby directed, shall be made by the day of

Sec. 9. That the president and directors and all other officers of the several branches hereby established, as well as those heretofore located, shall possess the same qualifications and be governed in all respects by the same rules, regulations and restrictions, and be subject to all the liabilities and disabilities prescribed and enacted in the several acts of the General Assembly to establish the Bank of Tennessee, to locate its branches and prescribe the duties and liabilities of its officers.

Whereupon Mr. Jennings moved the following in lieu of the latter clause of the original, bill to wit:

And that the capital of said branch thus to be established, shall consist of that portion of the general capital of the Bank of Tennessee

denominated the floating fund in the late report of the president of said bank,

And thereupon the question was had and determined in the negative; ayes 11, noes 13. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Brown, Frey, Gillespy, Hardwicke, Jennings, Laughlin, Marshall, Reneau, Sevier and Walton—11.

Those who voted in the negative were

Messrs. Aiken, Anderson, Balch, Jones of Hickman, Jones of Lincoln, Love, Smith, Terry, Turney, Warner, Wheeler, Yoakum and Speaker Coe—13.

And so said amendment was rejected.

The question then recurred on the amendment proposed by Mr. Anderson in lieu of the whole bill and amendments.

And thereupon the question was had and determined in the negative, ayes 12, noes 12. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Frey, Jones of Hickman, Marshall, Reneau, Sevier, Terry and Wheeler—12.

Those who voted in the negative were

Messrs. Gillespy, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Love, Smith, Turney, Walton, Yoakum and Speaker Coe—12.

And so said amendment was rejected.

The question then recurred on the amendment offered by Mr. Yoakum to remove the branch bank from Trenton to Paris.

And thereupon the question was had and determined in the negative—ayes 12, noes 12. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Yoakum and Speaker Coe 12.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Hardwicke, Jennings, Marshall, Reneau, Sevier, Terry, Walton and Wheeler—12.

And so said amendment was rejected.

The question then recurred on the passage of the bill upon its third reading.

And thereupon the question was had and determined in the affirmative—ayes 13, noes 11. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Terry, Turney, Warner, Wheeler, Yoakum and Speaker Coe—13.

The negative voters were

Messrs. Anderson, Ashe, Brown, Frey, Hardwicke, Jennings, Marshall, Reneau, Sevier, Smith and Walton—11.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

On motion of Mr. Laughlin, Mr. Hardwicke was added to the committee on banks. And then the Senate adjourned.

TUESDAY MORNING, Dec. 31, 1839.

Mr. Hardwicke presented a petition from one thousand and eighty-three citizens of Robertson, Montgomery, Humphreys, Hickman, Dickson and Stewart. And

A bill to establish a branch of the Bank of Tennessee at Charlotte, and on his motion said petitions were laid on the table. And the bill read and passed its first time.

Mr. Frey from the committee on Ways and Means made the following report, to wit:

The committee of ways and means, to whom was referred, a Bill to appropriate a part of the State tax to county purposes have had the same under consideration, they believe the provisions of said bill unreasonable, and have instructed their chairman to report the same and recommend its rejection.

Mr. Gillespy moved to strike from said bill, the words 'lands, town lots and slaves,' so as to appropriate one half of the State tax on free white polls only to county purposes; which motion failed, ayes 8, noes 15.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Balch, Brown, Gaines, Gillespy, Jones of Hickman, Reneau, Turney and Wheeler—8.

The negative voters were,

Messrs. Anderson, Ashe, Frey, Hardwicke, Jones of Lincoln, Laughlin, Love, Marshall, Sevier, Smith, Terry, Walton, Warner, Yoakum and Speaker Coe—15.

So the Senate refused to strike out.

Mr. Terry moved that the Senate nonconcur with the report of the committee recommending the rejection of the bill.

Mr. Gillespy then moved the following as an amendment in lieu of the whole bill, to wit:

That it shall be the duty of the Treasurer of this State for the years 1840 and '41 to pay over to the several county trustees in this State, one half of the State tax for county purposes to be appropriated to each county, upon the basis of the free white population thereof.

Mr. Jones of Lincoln moved the previous question which being sustained by the Senate.

And thereupon the question was put on the motion of Mr. Terry, that the Senate nonconcur with the report of the committee and failed—ayes 3, noes 22.

The ayes and noes being required, those who voted in the affirmative were,

Messrs. Anderson, Jennings and Terry—3.

The negative voters were,

Messrs. Aiken, Ashe, Balch, Brown, Frey, Gaines, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—22.

So the Senate refused to nonconcur in the report, and said bill was rejected.

Mr. Jennings presented a petition from sundry citizens of Davidson county on the subject of the culture of the vine and manufacture of silk. And

A bill to incorporate the Tennessee silk and wine company.

*Ordered*, That said petition be transmitted to the House of Representatives.

Mr. Laughlin from the committee on banks, reported that the committee have had under consideration a communication from the President of the Bank of Tennessee, transmitting a letter from the Presidents of the Union and Planters Banks, and recommend that said communication be laid on the table, subject to the further action of the Senate.

On motion of Mr. Yoakum said report was concurred with and the communication laid on the table.

Mr. Gillespy introduced

A bill to authorize the Secretary of State to seal and countersign certain grants, which was read a first time and passed.

Mr. Love introduced

A bill to remove the branch of the Bank of Tennessee from Trenton to Paris in Henry county, which was read a first time and passed.

Mr. Yoakum offered the following resolution, to wit:

*Resolved*, That the committee on enrollments be instructed in examining enrolled bills, and where the obvious and clear meaning of the language used, requires them to do so, to correct the same; Provided that such correction shall only be entered to verbal omissions or grammatical mistakes. And that they report such correction to the Senate.

On motion of Mr. Yoakum the rule requiring resolutions to be laid on the table one day was suspended.

And the question being had on the adoption of said resolution, it was rejected—ayes 5, noes 16.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Gillespy, Laughlin, Smith and Yoakum—5.

The negative voters were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gaines, Hardwicke, Jones of Hickman, Jones of Lincoln, Love, Reneau, Sevier, Walton, Warner, Wheeler and Speaker Coe—16.

And so said resolution was rejected.

Mr. Smith offered the following resolution, to wit:

*Resolved*, That from and after the 6th of Jan. next, no bill shall be received or introduced in the Senate unless the same is reported by a committee.

Mr. Wheeler introduced

A bill to provide for the collection of money from securities in certain cases. And

A bill to extend the provisions of the act of 1827, ch. 54, which were severally read a first time and passed, and referred to the committee on the Judiciary.

Mr. Frey from the committee on enrollments, reported an act supplemental to an act passed 22d Dec. 1835 entitled, an act to establish Chancery courts. And

An act to incorporate the Bersheba Calebiate Springs in the county of Warren, and Bloomingdale Medicinal Springs in Franklin county, and Coffee county Medicinal Springs as correctly enrolled, which was signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

The Senate took up a bill to repeal all laws authorizing the Governor to subscribe for stock on behalf of the State in any internal improvement company and for other purposes.

Mr. Gillespy moved that the Senate resolve itself into a committee of the whole, for the consideration of said bill, and the question being put thereon, said motion failed—ayes 8, noes 14.

The ayes and noes being demanded, the affirmative voters were

Messrs. Aiken, Gillespy, Hardwicke, Laughlin, Reneau, Smith, Turney and Speaker Coe—8.

Those who voted in the negative were,

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jones of Hickman, Jones of Lincoln, Marshall, Sevier, Walton, Warner, Wheeler and Yoakum—14.

So the Senate refused to go into committee of the whole.

Mr. Laughlin moved to lay said bill and amendment on the table, which was agreed to.

Mr. Frey from the committee on enrollments, reported as correctly enrolled, a bill to authorize aliens to hold, convey, mortgage, lease, demise, and inherit real estate, lands and other property, and for other purposes.

Thereupon the Speaker of the Senate signed said enrolled act and ordered the same to be transmitted to the House of Representatives.

A message from the House of Representatives by Mr. Crockett their clerk.

Mr. Speaker: The House of Representatives have read a third time and passed, a bill to amend the law of descents and distribution.

The Speaker also signed an act to amend the law now in force and use in this State, in relation to the appointment of deputy surveyors south and west of the congressional reservation line. And

An act to amend an act entitled, an act declaring Ocoee river navigable.

Whereupon the Speaker of the Senate signed said acts, and ordered that they be deposited in the office of the Secretary of State.

Mr. Laughlin submitted the following resolution, to wit.

*Resolved*, That the Senate and the House of Representatives meet in the hall of the House of Representatives on to-morrow at 10 o'clock, a. m., to go into the election of a chancellor for the fourth division of Chancery courts.

Mr. Laughlin moved that the rule requiring resolutions to be laid one day on the table be suspended, which was opposed by Mr. Warner.

On motion, the Senate adjourned.

WEDNESDAY MORNING, Jan. 1, 1840.

Mr. Yoakum presented a memorial from the citizens of Cannon county in relatin to, and counter to a memorial heretofore presented, alledging fraudulent proceedings in the late election, which was read, and on motion of Mr. Yoakum, was referred to the committee on privileges and elections.

Mr. Balch presented a petition from William Houston, James Coulter and Peter J. Davis. And introduced

A Bill to extend the charter of the Paint mountain turnpike company, which were read and the bill passed a first time.

Mr. Ashe submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That if the Congress of the United States should at any time hereafter divide the proceeds of the public lands amongst the several States of the Union, this State pledges its faith that that portion allotted to this State, shall be set apart, and stand pledged as a fund to meet the payment of the principol and interest of the bonds already issued or which may hereafter be issued by this State.

Mr. Jennings from the joint select committee on the penitentiary turnpike company, made a report and returned a bill to prevent public county roads from being obstructed by certain turnpike companies and others, which were on motion of Mr. Laughlin ordered to the table.

Mr. Frey from the committee on enrollments, reported as correctly enrolled, an act further to amend an act entitled, an act more effectually to subject property in this State belonging to non-resident debtors to the payment of their debts due citizens of this and other States, passed 15th Feb. 1836.

An act to prohibit the practice of permitting slaves to act as if they were free persons of color.

An act prescribing the manner in which the laws of other States of this Union shall be received as evidence in this State.

An act to amend the law of descents and distribution.

An act to authorize the issuance of grants in certain cases. And

An act to explain and extend the provisions of the act of 1794, ch. 1, sec. 32, concerning witnesses.

Whereupon the Speaker of the Senate signed said acts.

*Ordered*, That they be transmitted to the House of Representatives.

A message from the House of Representatives by Mr. Crockett their clerk.

Mr. Speaker: The Speaker of the House of Representatives has signed an act to alter the dividing line between the counties of Sevier and Blount. And

An act to amend an act entitled, an act to prescribe certain duties to be performed by the clerks of the several courts of this State and for other purposes, passed 15th Feb. 1836.

Whereupon the speaker of the Senate signed said enrolled acts.

*Ordered*, That they be transmitted to the House of Representatives.

On motion of Mr. Turney the Senate took up a bill to repeal all laws

authorizing the Governor to subscribe for stock on behalf of the State in any internal improvement company and for other purposes.

The question being had upon the adoption of the amendment proposed by Mr. Smith in lieu of the first six sections of the amendment proposed by Mr. Gillespy in lieu of the whole,

Mr. Gillespie moved to strike from the sixth section of said amendment the words 'for the amount of two hundred and ten thousand dollars,' which motion prevailed.

The question then recurred on the amendment proposed by Mr. Smith, in lieu of the first six sections of the amendment proposed by Mr. Gillespy, and having been had said amendment was rejected—ayes 5, noes 20.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Jones of Hickman, Laughlin, Turney, Smith and Speaker Coe—5.

Those who voted in the negative were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Frey, Gaines, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Love, Marshall, Reneau, Sevier, Terry, Walton, Warner, Wheeler and Yoakum—20.

And so said motion was rejected.

Mr. Wheeler thereupon offered an amendment to the original bill, and after some discussion thereon,

The Senate adjourned.

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THURSDAY MORNING, Jan. 2, 1840.

Mr. Warner presented the petition of sundry citizens of Marshall county, asking the passage of a law for the benefit of John Cook,—ordered to the table.

Mr. Smith presented the memorial of the President and trustees of Jackson College, asking the loan of a sum of money for purposes therein named, which was read and ordered to be transmitted to the House of Representatives.

Mr. Hardwicke introduced a bill to define the duties of the Governor and the term of service of Directors in internal improvement companies.

Mr. Gillespy introduced a bill to restore Isaac George to the rights of citizenship. Both of which were severally read a first time and passed.

On motion of Mr. Gillespy,

*Ordered*, That the Comptroller's report on the expenditures of the Central rail road and Tennessee and Hatchie Canal, be transmitted to the House of Representatives.

The Senate resumed the consideration of the amendment of Mr. Wheeler to the bill to repeal all laws authorizing the Governor to subscribe for stock in any internal improvement company and for other purposes.

Mr. Jones of Hickman offered an amendment, providing that the commissioners to be appointed under the provisions of the bill should not receive a greater salary per annum than five hundred dollars.

And thereupon the question was had and determined in the negative—ayes 12, noes 13. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Gillespy, Jennings, Jones of Hickman, Jones of Lincoln, Marshall, Reneau, Sevier, Terry and Yoakum—12.

Those who voted in the negative were,

Messrs. Aiken, Balch, Frey, Gaines, Hardwicke, Laughlin, Love, Smith, Turney, Walton, Warner, Wheeler and Speaker Coe—13.

And so said amendment was rejected.

Mr. Gillespy thereupon offered an amendment in the following words to wit:

*Be it enacted*, That in all cases where the Governor has issued the bonds of the State for the improvement of rivers, or in part payment of the State's subscription in any work of internal improvement in this State, said bonds may be returned by the boards or companies, as the case may be, having charge of the improvement of such rivers or other public works in which the State may be a subscriber as aforesaid, to the office of the Secretary of State to be cancelled; and it shall be the duty of the Governor, in lieu of the bonds so surrendered, to issue in favor of such boards or company respectively, the bonds of the State for the amounts by them severally surrendered, payable thirty years after date to the President and Directors of the Bank of Tennessee at such place as they may designate, in the form or character of sterling bonds, in sums not less than one thousand dollars each, bearing an interest of five per centum per annum, payable semi-annually, on the first Mondays of March and September in each year, and it shall be the duty of the Governor, in issuing of any bonds of the State in payment of the State's subscription of any stock that shall hereafter become due to any Internal Improvement Company of this State, to issue the same in the form and of the character of sterling bonds, payable and negotiable as above prescribed in this section.

And the question, will the Senate receive the amendment? being had thereon, it was determined in the negative—ayes 8, noes 17.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Ashe, Brown, Gaines, Gillespy, Love, Reneau and Terry—8.

The negative voters were

Messrs. Anderson, Balch, Frey, Hardwicke, Jennings, Jons of Hickman, Jones of Lincoln, Laughlin, Marshall, Sevier, Smith, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—17.

And so said amendment was rejected.

The question then recurred upon the amendment of Mr. Wheeler, and being thereon had it was determined in the negative,—ayes 10, noes 15.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Balch, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Wheeler and Yoakum—10.

Those who voted in the negative were

Messrs. Aiken, Anderson, Ashe, Brown, Frey, Gaines, Gillespy, Jennings, Love, Marshall, Reneau, Sevier, Terry, Walton and Speaker Coe—15.

And so said amendment was rejected.

Mr. Jones of Hickman thereupon moved to strike out the 6th section of Mr. Gillespy's amendment.

And thereupon the question was had and determined in the negative, ayes 10, noes 15. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Frey, Hardwicke, Jones of Hickman, Jones of Lincoln, Marshall, Smith, Walton, Warner and Yoakum—10.

The negative voters were

Messrs. Aiken, Ashe, Balch, Brown, Gaines, Gillespy, Jennings, Laughlin, Love, Reneau, Sevier, Terry, Turney, Wheeler and Speaker Coe—15.

And so said motion was rejected.

The question then recurred upon the reception of Mr. Gillespy's amendment.

And thereupon the question was had and determined in the negative—ayes 10, noes 15. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Ashe, Brown, Gaines, Gillespy, Love, Reneau, Terry, Turney and Speaker Coe—10.

The negative voters were

Messrs. Anderson, Balch, Frey, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Sevier, Smith, Walton, Warner, Wheeler and Yoakum—12.

So said amendment was rejected.

The original bill was thereupon read a second time.

And thereupon the question was had and determined in the affirmative—ayes 16, nays 9. The ayes and noes being demanded, the affirmative voters were

Messrs. Anderson, Balch, Frey, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Sevier, Terry, Turney, Walton, Warner, Wheeler and Yoakum—16.

Those who voted in the negative were

Messrs. Aiken, Ashe, Brown, Gaines, Gillespy, Love, Reneau, Smith and Speaker Coe—9.

And so said bill passed its second reading.

And then the Senate adjourned.

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Friday Morning, Jan. 3, 1840.

Mr. Warner presented a memorial of 137 citizens of Marshall and Coffee counties, praying that a rail road may be chartered from Nash-

ville to Ross' landing on the Tennessee river, which was read and ordered to be transmitted to the House of Representatives.

Mr. Yoakum from the committee on education and common schools, to whom was referred a bill for the relief of such persons as made improvements on school sections in the Ocoee District, reported that the committee have had the same under consideration, and had instructed him to report an amendment thereto in lieu of the third section, and with the amendment to recommend its passage.

Mr. Gillespy offered an additional amendment thereto, which was accepted.

The question was then had upon a concurrence with the amendment reported by the committee, and determined in the affirmative—ayes 14, noes 6.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Balch, Brown, Frey, Gaines, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Sevier, Walton, Warner, Wheeler, and Yoakum—14.

The negative voters were

Messrs. Gillespy, Hardwicke, Love, Reneau, Terry and Speaker Coe—6.

And so said amendment was adopted.

On motion of Mr. Gillespy the said bill was ordered to the table.

Mr. Yoakum from the committee on education and common schools, to whom was referred, a bill to incorporate the Van Buren Male Academy in Fentress county, reported that the committee have had the same under consideration, and had instructed him to recommend the striking out all that part of said bill after the seventh section thereof, and also to strike from the first section the words 'and shall have fifty years succession,' and with the amendment to recommend the passage of the bill.

Whereupon the said bill was read a second time and passed.

Mr. Laughlin from the joint committee on banks, made the following report, to wit:

That the joint standing committee, to whom was referred a bill to regulate banks and banking in this State, without giving a detailed enumeration of the reasons by which they have been influenced, and which will more properly belong to a more general report which they expect to submit in a few days, your committee report and recommend the passage of said bill with the following proposed amendments, to wit:

"Strike out the sixth section."

Strike out the word "beyond" in the second line of the eighth section to the word "provided" in the third line, so as to conclude both said words in the part proposed to be stricken out.

Strike out also the words "as herein provided," in the said third line of the same section.

It is due to your committee to say that much difference of opinion prevails among the members, as to the best course of policy to be pur-

sued by the General Assembly on the subject referred to, their growing out of the present condition of the banks of the State.

Respectfully submitted,
S. H. LAUGHLIN, Ch'm. Senate Com.
THOMAS BARRY, Ch'm. H. R. Com.

On motion of Mr. Laughlin the said bill and report were ordered to the table.

Mr. Terry returned with an amendment in lieu of the whole.

A bill to authorize Josiah M. Anderson of Marion county and George W. Williams of Hamilton county to open a turnpike road.

The said amendment was received, the bill read as amended a second time and passed.

Mr. Hardwicke having to accompany the committee to the penitentiary on business concerning the institution, asked leave of absence for that purpose.

A bill to define the duties of the Governor and the term of service of the directors of internal improvement companies, was read a first time and passed.

A bill to establish a Chancery court at Clarksville, was referred on motion of Mr. Frey to the committee on the Judiciary.

A bill to authorize the county court of Blount county to make an allowance to James Glass jailor of said county, was read a third time and passed, ordered to be engrossed and transmitted to the House of Representatives.

A bill to increase the capital stock of the Nolensville turnpike company, was taken up and read.

Mr. Jones of Hickman offered the following as an amendment thereto, to wit:

Provided the individual stockholders in said company will take all the stock in said road, and release the State from all liabilities for stock in said road, and return the bonds already issued by the Governor for stock in said road to the Secretary of State, by him to be cancelled or destroyed.

And thereupon the question was had and determined in the affirmative—ayes 12, noes 11. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Balch, Gillespy, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Turney, Warner, Wheeler, Yoakum and Speaker Coe—12.

The negative voters were

Messrs. Aiken, Ashe, Brown, Frey, Gaines, Jennings, Marshall, Reneau, Sevier, Terry and Walton—11.

And so said amendment was received.

Mr. Turney moved further to amend the said bill by adding thereto the following, to wit:

*Be it enacted*, That all laws and parts of laws authorizing the Governor to issue or sign the bonds of the State for internal improvement in this State, be and the same are hereby repealed.

And thereupon the question was had, and determined in the affirm-

dive?-ayes 15, noes 7. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Ashe, Balch, Brown, Gillespy, Jennings, Jones of Hickman, Jones of Lincoln, Nevier, Terry, Turney, Walton, Warner, Yoakum and Speaker Coe—15.

Those who voted in the negative were

Messrs. Anderson, Frey, Gaines, Love, Marshall, Reneau and Wheeler—7.

So said amendment was rejected.

Mr. Marshall thereupon moved to strike out all of said bill from the enacting clause, on which the foregoing amendment, which motion prevailing, Mr. Turney moved to amend the caption of the bill by making it read, a bill to repeal all laws authorizing the Governor to issue the bonds of the State to any internal improvement company, which motion also prevailing, the said bill was read a third time and passed—ayes 13, noes 9.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Balch, Brown, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Nevier, Terry, Turney, Walton, Warner and Yoakum—13.

Those who voted in the negative were

Messrs. Anderson, Ashe, Frey, Gaines, Gillespy, Hardwicke, Love, Marshall, Reneau, Wheeler and and Speaker Coe—9.

And so said bill having its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill to secure the preference of entry to Thomas Neal and David M'Nabb, to enter two quarter sections of land in the Ocoee District, was read a third time and passed—ayes 16, noes 7.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Frey, Gaines, Gillespy, Jennings, Laughlin, Love, Reneau, Terry, Turney, Walton, Wheeler, Yoakum and Speaker Coe—16.

The negative voters were

Messrs. Ashe, Brown, Jones of Hickman, Jones of Lincoln, Marshall, Nevier and Warner—7.

And so said bill having its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Brown moved a reconsideration of the vote on the passage of the bill repealing all laws authorizing the Governor of the State to issue the bonds of the State.

Mr. Brown from the committee on privileges and elections, to whom was referred memorials from the citizens of Rutherford county, in relation to alleged illegal voting in said county at the last general election, and the entire directory to said committee in relation to the same, beg leave to report the following, to-wit:

The committee on privileges and elections, to whom was referred a memorial of sundry citizens of Rutherford county, and who were

instructed by a resolution adopted by the Senate on the day of to make certain inquiries in relation to said memorial, have had the same under consideration. The committee notified some of the memorialists that they would sit on the 2d inst. for the purpose of considering the memorial and making said inquiries. A deputation from the memorialists have made to the committee the following communication, and considering how important it is to the country that a law with provisions similar to those asked for in the memorial should be passed, and that to show the necessity for such law, the proof of the startling facts stated in the memorial would also have its weight, and believing that investigation can be made with less expense to the State, and with a much greater probability of aiming at the truth, and of doing justice to all parties, recommend that the committee have leave of absence for the purpose of making the investigation in the county of Rutherford where the alledged frauds were committed.

The committee would further say, that justice to the sitting Senator from Rutherford as well as to the memorialists imperiously demands that the investigation should be thorough and searching, and that no difficulties should be left or unencountered to obtain the truth. This, in the opinion of the committee, cannot be done in Nashville with any thing like the prospect of success as in Rutherford. The committee therefore recommend the adoption of the following resolution:

*Resolved*, That the committee on privileges and elections have leave of absence for the purpose of ascertaining the facts stated in a memorial heretofore referred to them, and for making the enquiries which they are directed to make, in a resolution heretofore adopted by the Senate, in the county of Rutherford, that said committee have power to send for persons and papers, and to administer oaths, and to employ a clerk.

Mr. Turney moved to amend the said report by striking therefrom the words 'in justice to the Senator from Rutherford,' and insert in lieu thereof the words 'in justice to the character of the freemen of Rutherford county.'

The Speaker determined the foregoing to be out of order.

Mr. Terry moved to amend the resolution reported by the committee, by inserting a provision authorizing and empowering the said committee to administer oaths, which motion prevailed.

Mr. Jennings offered the following, to wit:

*Resolved*, That nothing contained in these, nor any other proceedings relative to the memorial of certain citizens of Rutherford county, shall be construed as expressing a belief on the part of this Senate, that in the present, as in all other instances of doubtful elections, a second appeal to the ballot box would not have been a procedure more consistent with the principles of Democracy, as well as more certain and more efficacious as a remedy, than the uncertain and costly expedient of a contested election.

In lieu of which Mr. Wheeler offered the following, to wit.

*Resolved*, That the suggestion of the committee on privileges and elections read this morning as a report from said committee, together

with the report of the sub-committee of the Rutherford county memorialists read at the same time, be re-committed to the committee that said committee may proceed to the discharge of their duty under the resolution heretofore adopted by this Senate, and sent to said committee as the basis of their action.

To which Mr. Jennings accepted and made a point of order thereon.

The Speaker decided the same out of order, from which decision, Mr. Jennings appealed to the Senate.

And the question being put, 'will the Senate sustain the decision of the chair,' it was determined in the affirmative—ayes 16, noes 3.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Baleh, Brown, Frey, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Turney, Walton, Warner and Wheeler—16.

The negative voters were

Messrs. Marshall, Reneau and Sevier—3.

So the decision of the chair was sustained.

The question was then had on the adoption of the amendment of Mr. Wheeler, and determined in the affirmative—ayes 12, noes 10.

The ayes and noes being demanded the affirmative voters were

Messrs. Aiken, Baleh, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Turney, Warner, Wheeler and Speaker Coe—12.

The negative voters were,

Messrs. Anderson, Ashe, Brown, Gaines, Jennings, Marshall, Reneau, Sevier, Terry and Walton—10.

So said amendment was adopted.

Mr. Turney thereupon moved an adjournment.

And thereupon the question was had and determined in the negative—ayes 7, noes 16. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Baleh, Jones of Lincoln, Love, Turney, Wheeler and Speaker Coe—7.

The negative voters were,

Messrs. Anderson, Ashe, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Laughlin, Marshall, Reneau, Sevier, Terry, Walton, Warner and Yoakum—16.

So said motion failed.

Mr. Reneau asked leave of absence for the purpose of going into Rutherford county to inquire into the charges made of illegal voting in the August elections of 1839; and to enquire into the facts directed to be enquired into by a resolution heretofore adopted by the Senate.

And the question 'will the Senate grant leave,' being had it was determined in the negative—ayes 10, noes 12.

The ayes and noes being demanded the affirmative voters were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Terry and Walton—10.

The negative voters were,

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Turney, Warner, Wheeler and Speaker Coe—12. So said permission was not granted.

Mr. Turney again moved an adjournment.

And thereupon the question was had and determined in the negative—ayes 7, noes 16. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Balch, Brown, Frey, Love, Walton and Wheeler—7.

Those who voted in the negative were

Messrs. Anderson, Ashe Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Terry, Turney, Warner, Yoakum and Speaker Coe—16.

So said motion was lost.

Mr. Anderson moved that Mr. Jones of Lincoln be added to the said committee on privileges and elections.

And thereupon the question was had and determined in the negative, ayes 12, noes 9. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Terry, Warner and Wheeler—12.

Those who voted in the negative were

Messrs. Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Turney and Speaker Coe—9.

And so said motion prevailed.

Mr. Aiken moved an adjournment.

And thereupon the question was had and determined in the negative—ayes 10, noes 11. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Frey, Jennings, Laughlin, Love, Marshall, Reneau, Wheeler and Speaker Coe—10.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Gillespy, Jones of Hickman, Jones of Lincoln, Sevier, Terry, Turney and Walton—11.

So said motion failed.

Mr. Marshall asked leave to withdraw for amendment, a bill to amend an act passed 30th —— 1837, entitled, an act to amend an act to establish circuit courts, passed Jan. 25th and for other purposes.

Mr. Anderson moved an adjournment.

And thereupon the question was had and determined in the negative, ayes 7, noes 14. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Ashe, Frey, Jennings, Jones of Lincoln, Marshall and Speaker Coe—7.

The negative voters were

Messrs. Anderson, Balch, Brown, Gillespy, Hardwicke, Jones of Hickman, Laughlin, Love, Reneau, Sevier, Terry, Turney, Warner and Yoakum—14. So said motion failed.

After some further discussion the Senate adjourned without a dissenting voice.

SATURDAY MORNING, Jan. 4, 1840.

Mr. Ashe presented the petition of sundry citizens of Lauderdale county, remonstrating against a repeal of the tippling act of 1937.—

And Mr. Warner the petition of sundry citizens of Marshall county, praying a repeal of the said act; which were severally read and ordered to be transmitted to the House of Representatives.

Mr. Sevier presented a communication from the citizens of Huntingdon and its vicinity, of both political parties, in relation to the contemplated removal of the Branch of the Bank of Tennessee from Trenton; which was read, and on motion of Mr. Sevier, referred to the committee on Banks.

Mr. Laughlin presented the petition of sundry citizens of Warren and Franklin counties, praying that Allen White may be authorized to open a turnpike road across Cumberland mountain by way of Bersheba springs, and introduced a bill for that purpose, which was read a first time and passed.

Mr. Speaker Coe introduced a bill accompanied by a memorial, to establish the La Grange manufacturing company; which was read a first time and passed.

Mr. Balch submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That the President and Directors of the Bank of the State retain in their possession all bonds heretofore issued by the Governor of the State for the use and benefit of Internal Improvement companies, until otherwise directed by this General Assembly.

Mr. Yoakum presented the proceedings of a public meeting of a portion of the citizens of Clanton county, voting with the citizens of Rutherford county, protesting against a memorial presented to the Senate from a whig committee of said county on the 18th of Nov. last; which was referred on motion of Mr. Laughlin to the committee on privileges and elections.

Mr. Brown introduced a bill to extend certain privileges to the owners of iron works; which was read a first time and passed.

A bill to change the time of holding the circuit courts of Henderson and Perry counties, and for other purposes, was read a third time and passed—ayes 23.

The ayes and noes being required by the constitution, those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Sevier, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—23.

And so said bill passed its third reading.

A bill to define the duties of the Governor and to define the term of service of Directors of internal improvement companies, was read a third time and passed—ayes 23.

The ayes and noes being required, those who voted in the affirmative were,

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Frey, Gaines, Gil-

lespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Sevier, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—23.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill to incorporate the Vanville rail-road company was taken up and read a third time.

Mr. Jones of Lincoln offered the following as an amendment thereto, to wit:

The General Assembly may at any time alter, modify or repeal this act or any of its provisions.

And thereupon the question was had and determined in the negative; ayes 5, noes 16. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Jones of Hickman, Jones of Lincoln, Warner, Wheeler and Yoakum—5.

Those who voted in the negative were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gaines, Gillespy, Hardwicke, Laughlin, Love, Reneau, Sevier, Terry, Turney, Walton, Warner and Speaker Coe—16. And so said amendment was rejected.

Mr. Jones of Lincoln thereupon offered the following as an amendment to the said bill, to wit:

The individual property of the stockholders of the company herein incorporated, shall be liable for the debts of the corporation.

And thereupon the question was had and determined in the negative—ayes 6, noes 14. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Balch, Jones of Hickman, Jones of Lincoln, Warner, Wheeler and Yoakum—6.

Those who voted in the negative were

Messrs. Anderson Ashe, Brown, Frey, Gaines, Gillespy, Hardwicke, Laughlin, Love, Reneau, Sevier, Terry, Walton and Speaker Coe—14.

And so said amendment was rejected.

Mr. Yoakum moved to amend the said bill by striking therefrom the words 'ninety-nine years;' which motion was lost.

The question then recurred upon the passage of said bill, and being thereon had, was determined in the affirmative—ayes 14, noes 6.

The ayes and noes being demanded the affirmative voters were

Messrs. Anderson, Ashe, Brown, Gaines, Gillespy, Laughlin, Love, Reneau, Sevier, Terry, Turney, Walton, Wheeler and Mr. Speaker Coe—14.

Those who voted in the negative were

Messrs. Balch, Hardwicke, Jones of Hickman, Jones of Lincoln, Warner and Yoakum—6.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Gillespy withdrew a bill for the relief of such persons as made improvements upon school sections in the Ocoee district.

And then the Senate adjourned.

MONDAY MORNING, Jan. 6, 1840.

Mr. Turney submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That the President and Directors of the Bank of Tennessee be directed to receive of the Union Bank, the Planters' Bank and the Farmers and Merchants Bank of Memphis, one half of the amount due the State upon deposite in said banks respectively, in the notes of the said banks; to be loaned and discounted by the Bank of Tennessee to the citizens of the State, as directed in the 17th section of her charter, to afford relief for the citizens. Provided that the said banks shall give bond and good security that the remaining half shall be paid in specie or its equivalent on the 1st day of January, 1841. Provided also that the said banks —— an amount in their own notes so as to make the same equivalent to specie in the payment first aforesaid to be made.

Mr. Wheeler introduced a bill to secure the provisions of an act passed the 19th day of January, 1838, entitled, an act to establish a State Bank to raise a fund for internal improvement, and to aid the establishment of a system of education.

mr. Terry introduced a bill to authorize Moses Thompson of Rhea county, to open a turnpike road. Both of which were read a first time and passed.

A message from the House of Representatives by Mr. Crockett, their clerk:

Mr. Speaker: The House of Representatives non-concur with the several amendments proposed by the Senate to a bill for the benefit of the occupant settlers south and west of the Congressional reservation line. They propose to amend the 7th section of the said bill by striking out the words 'or tracts;' with which they ask your concurrence.

And then he withdrew. Whereupon the Senate considered the said amendment, and concurred therewith. After further consideration, it was ordered that the clerk inform the House of Representatives that the Senate insist upon a concurrence with their said several amendments.

A bill authorizing the extension of streets, alleys and margins in towns in certain cases. And

A bill to authorize Josiah M. Anderson and George W. Williams to open a turnpike road, were severally read a third time, passed and ordered to be engrossed and transmitted to the House of Representatives.

A bill to amend an act passed 30th Nov. 1837, entitled, an act to amend an act to establish Circuit courts, passed Jan. 25th 1836, and for other purposes, were severally read a third time and passed, ordered to be engrossed and transmitted to the House of Representatives.

A bill to carry into effect the lunatic hospital being read a third time, Mr. Yoakum moved to amend by striking therefrom that part thereof providing that articles shall be purchased at the Penitentiary if they can be purchased as cheap there as at other places. Which motion prevailed, Mr. Yoakum moved further to amend by filling the blank with the sum of 'five hundred dollars each, as the salary per annum of the keeper and matron.

And thereupon the question was had and determined in the negative,

ayes 7, noes 15. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Frey, Hardwicke, Jones of Lincoln, Laughlin, Love, Reneau and Yoakum—7.

Those who voted in the negative were

Messrs. Anderson, Ashe, Balch, Brown, Gaines, Gillespy, Jennings, Jones of Hickman, Sevier, Terry, Turney Walton, Warner, Wheeler and Yoakum—15.

So said motion was rejected.

Mr. Warner thereupon offered the following as an amendment to the said bill, to wit:

And that the said keeper of the hospital shall receive for his services five hundred dollars per annum; and the matron of the hospital shall receive for her services two hundred and fifty dollars per annum, whose terms of service respectively shall commence so soon as the board of directors shall be of opinion that the same are necessary.

And thereupon the question was had and determined in the negative, ayes 11, noes 11. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Ashe, Brown, Hardwicke, Jones of Lincoln, Laughlin, Love, Sevier, Turney, Walton, Warner and Yoakum—11.

The negative voters were

Messrs. Anderson, Balch, Frey, Gaines, Gillespy, Jennings, Jones of Hickman, Reneau, Terry, Wheeler and Speaker Coe—11.

And so said amendment was rejected.

Mr. Terry thereupon moved to lay the said bill and the amendment in lieu of the whole heretofore offered by Mr. Jones of Hickman on the table and make them the order of the day for to-morrow.

And thereupon the question was had and determined in the negative, ayes 6, noes 16. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Jennings, Jones of Lincoln, Love, Terry, Turney and Walton—6.

Those who voted in the negative were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gaines, Gillespy, Hardwicke, Jones of Hickman, Laughlin, Reneau, Sevier, Warner, Wheeler, Yoakum and Speaker Coe—16.

So said motion was rejected.

Mr. Terry thereupon offered the following as an amendment to the amendment of Mr. Jones of Hickman, to wit:

Provided the same shall bring at least two thirds of the original cost of the said institution.

And thereupon the question was had and determined in the negative, ayes 5, noes 16. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Hardwicke, Reneau, Terry, Turney and Walton—5.

Those who voted in the negative were

Messrs. Anderson, Ashe, Balch, Frey, Gaines, Gillespy, Jennings,

Jones of Hickman, Jones of Lincoln, Laughlin, Love, Sevier Warner, Wheeler, Yoakum and Speaker Coe—16.

So said amendment was rejected.

Thereupon Mr. Turney offered the following in lieu of the amendment of Mr. Jones of Hickman, to wit:

That the lunatic hospital erected in the city of Nashville, be and the same is hereby donated to the corporation of the said city of Nashville, upon condition that the said corporation will receive the same, and appropriate it to the use for which the same was originally intended by the act creating the same, without further expense of any description on the part of the State.

And thereupon the question was had and determined in the negative, ayes 1, noes 18. The ayes and noes being demanded, those who voted in the affirmative were

Mr. Turney—1.

Those who voted in the negative were

Messrs. Anderson, Balch, Frey, Gaines, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Walton, Warner, Wheeler, Yoakum and Speaker Coe—18.

So said amendment was rejected.

Mr. Frey moved a re-consideration of the vote rejecting Mr. Warner's amendment, which motion prevailed—ayes 12, noes 7.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Frey, Gainesi Hardwicke, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Walton,, Warner, Yoakum and Mr. Speaker Love—12.

The negative voters were

Messrs. Anderson, Balch; Gillespy, Jones of Hickman, Love, Turney and Wheeler—7.

Mr. Marshall thereupon moved to amend the 16th section of the original bill by providing that the annual salary of the keeper of the said Hospital should be $500.

And thereupon the question was had and determined in the affirmative—ayes 12, noes 8. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Frey, Gaines, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Walton, Warner and Yoakum—12.

The negative voters were

Messrs. Anderson, Balch, Gillespy, Jones of Hickman, Love, Turney, Wheeler and Speaker Coe—8.

And so said amendment was received.

Mr. Marshall thereupon moved to amend the said section by providing that the matron of the said lunatic hospital shall receive an annual salary of $400 for her services, which motion prevailed—ayes 13, noes 8.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs Ashe, Frey, Gillespy, Hardwicke, Jennings, Jones of Lincoln,

Laughlin, Love, Marshall, Reneau, Sevier, Walton and Yoakum—13.

Those who voted in the negative were

Messrs. Anderson, Balch, Gaines, Jones of Hickman, Turney, Warner, Wheeler and Speaker Coe—8.

And so said motion prevailed.

Mr. Jones of Hickman moved to strike from the 14th section of the said bill the words five hundred dollars, for the purpose of inserting the words three hundred dollars as an annual salary of the physician—which motion was rejected.

Mr. Jones of Hickman thereupon offered the following as an amendment to the 7th section of said bill, to wit:

And upon the county from which such person was sent becoming bound in such manner as the trustees of the hospital may require, binding such county to pay and defray all expenses that may accrue in consequence of such person being kept in said assylum.

And thereupon the question was had and determined in the negative—ayes 5, noes 17. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Hardwicke, Jones of Hickman, Laughlin, Marshall and Turney—5.

The negative voters were,

Messrs. Anderson, Ashe, Balch, Frey, Gaines, Gillespy, Jennings, Jones of Lincoln, Love, Reneau, Sevier, Terry, Walton, Warner, Wheeler, Yoakum and Speaker Coe—17.

And so said amendment was rejected.

Mr. Gillespy thereupon offered the following as an amendment, to wit:

Provided that nothing in this act contained, shall be construed to authorize or empower trustees to be appointed as provided in the first section of this act, to incur any other or further liabilities in making improvements in said institution than such as are specifically provided in this act.

To which Mr. Turney offered the following:

And provided also, that the State shall not be liable for any expenses whatever except such as are provided for in this act. Which was accepted.

The question was then had on the foregoing amendment, and determined in the affirmative—ayes 22.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Balch, Frey, Gaines, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—22. And so said amendment was adopted.

Mr. Yoakum moved to amend the 16th section of said bill, by inserting the words, 'and for furnishing the hospital and the patients therein.'

And thereupon the question was had, and determined in the affirmative—ayes 18, noes 3. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Balch, Frey, Gaines, Gillespy, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Terry, Walton, Warner and Yoakum—18.

Those who voted in the negative were

Messrs. Turney, Wheeler and Speaker Coe—3.

Mr. Yoakum moved further to amend by inserting the words, 'five thousand dollars' in the blank of said section.

And thereupon the question was had and determined in the negative, ayes 6, noes 15. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Frey, Jennings, Jones of Lincoln, Marshall, Sevier and Yoakum—6.

The negative voters were

Messrs. Anderson, Ashe, Balch, Gaines, Gillespy, Jones of Hickman, Laughlin, Love, Reneau, Terry, Turney, Walton, Warner, Wheeler and Speaker Coe—15.

And so said motion was rejected.

The question then recurred upon the amendment of Mr. Jones of Hickman in lieu of the whole.

And thereupon the question was had and determined in the negative—ayes 8, noes 13. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Balch, Gillespy, Jones of Hickman, Love, Terry, Walton, Wheeler and Speaker Coe—8.

The negative voters were

Messrs. Anderson, Ashe, Frey, Gaines, Jennings, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Turney, Warner and Yoakum, 13.

So said amendment was rejected.

The question was then had, "shall the bill pass," and determined in the negative—ayes 8, noes 14.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Frey, Gaines, Hardwicke, Jones of Lincoln, Marshall, Reneau, Sevier and Yoakum—8.

Those who voted in the negative were

Messrs. Anderson, Ashe, Balch, Gillespy, Jennings, Jones of Hickman, Laughlin, Love, Terry, Turney, Walton, Warner, Wheeler and Speaker Coe—14.

And so said bill was rejected.

A bill to prevent public county roads from being obstructed by certain turnpike companies and others, was taken up and read.

Mr. Laughlin offered the following amendment thereto:

And provided that this act shall not extend to any incorporated turnpike road, where the stock has been subscribed, the road located and the work commenced in good faith according to the provisions of the charter of such road.

During the pendency of which

The Senate adjourned.

TUESDAY MORNING, Jan. 7, 1840.

Mr. Gillespy introduced a bill for the relief of John G. Glass of Bradley county, accompanied by a memorial from that individual, which was read a first time and passed.

Mr. Ashe introduced a bill to explain an act passed 17th Jan. 1838, ch. 109, which was read a first time and passed.

The resolution from the House of Representatives, proposing to go into the election of a chancellor for the fourth division, and a surveyor for the Ocoee District on Thursday next, was taken up and read, and on motion of Mr. Laughlin amended by inserting the words 'ten o'clock, a. m;' which was concurred with.

*Ordered*, That the clerk acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr. Crockett their clerk.

Mr. Speaker: I am directed by the House of Representatives respectfully to ask the Senate to return to that body a bill concerning the emancipation of Slaves, which passed a third reading in the Senate and was rejected by the House on its first reading.

The Speaker of the House of Representatives did this day sign an enrolled act to exempt certain persons from military duty, and an act to amend the several laws in relatiou to tobacco inspection.

And then he withdrew. Whereupon the Speaker of the Senate signed the said enrolled acts, and ordered them to be deposited in the office of the Secretary of State.

It was further ordered, that the clerk return the bill concerning the emancipation of slaves to the House of Representatives, in compliance with their request.

Mr. Frey, from the committee on enrollments, reported as correctly enrolled, an act making an appropriation of money to Richard G. Scoggin, which was signed by the Speaker of the Senate and ordered to be transmitted to the House of Representatives.

The Senate resumed the consideration of Mr. Laughlin's amendment to the bill to prevent public county roads from being obstructed by certain turnpike companies and others.

Mr. Gillespy offered the following as an amendment to the said amendment, to wit:

Unless the county court of said county shall first indemnify the stockholders in any such company for the money and labor actually employed and expended upon such road, and for any loss they may sustain.

Which was accepted by Mr. Laughlin.

Mr. Yoakum then moved to lay the said amendment on the table.—

And thereupon the question was had and determined in the affirmative—ayes 16, nays 4. The ayes and nces being demanded, the affirmative voters were

Messrs. Aiken, Balch, Frey, Gaines, Hardwicke, Jones of Hickman, Jones of Lincoln, Marshall, Reneau, Sevier, Terry, Walton, Warner, Wheeler and Yoakum—16.

Those who voted in the negative were Messrs. Gillespy, Laughlin, Love and Speaker Coe—4.

So said motion prevailed.

Mr. Warner thereupon offered the following amendment, to wit:

And to M'Adamize turnpike roads in which the Governor has already subscribed for stock on behalf of the State.

Mr. Jones of Lincoln moved to lay the said amendment on the table, which motion prevailed—ayes 11, noes 9.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Brown, Frey, Gaines, Hardwicke, Jones of Lincoln, Reneau, Wheeler and Yoakum—11.

The negative voters were

Messrs. Gillespy, Jones of Hickman, Laughlin, Love, Marshall, Terry, Walton, Warner and Speaker Coe—9.

So said amendment was ordered to the table.

Mr. Jones of Lincoln moved to amend by striking from said bill the words "to extend to M'Adamized roads of greater length than ten miles;" which motion prevailed.

Mr. Gillespy moved further to amend by striking the words 'and to M'Adamizhd roads already completed' therefrom.

And thereupon the question was had and determined in the negative—ayes 10, noes 12. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Jones of Lincoln, Laughlin, Terry, Turney, Warner, Wheeler and Speaker Coe—10.

Those who voted in the negative were

Messrs. Ashe, Brown, Frey, Gaines, Hardwicke, Jones of Hickman, Love, Marshall, Reneau, Sevier, Walton and Yoakum—12.

And so said motion failed.

Whereupon Mr. Gillespy offered the following amendment thereto, to wit:

Provided nothing in this act shall be so construed as to affect the chartered rights of any turnpike company or rail road company in this State.

Mr. Jones of Lincoln moved the previous question, which being had in the following words, Shall the main question be now put? it was determined in the negative—ayes 11, noes 12.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Marshall, Reneau, Sevier, Turney, Walton, Wheeler and Yoakum, 11.

The negative voters were

Messrs. Aiken, Ashe, Balch, Brown, Frey, Gaines, Gillespy, Laughlin, Love, Terry, Warner and Speaker Coe—12.

And so the call for the previous question was not sustained.

Mr. Jones of Lincoln thereupon moved to lay the amendment of Mr. Gillespy on the table.

And thereupon the question was had and determined in the nega-

tive—ayes 14, noes 9. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Balch, Brown, Frey, Gaines, Jennings, Jones of Hickman, Jones of Lincoln, Marshall, Reneau, Sevier, Walton, Wheeler and Yoakum—14.

Those who voted in the negative were

Messrs. Aik–n, Gillespy, Hardwicke, Laughlin, Love, Terry, Turney, Warner and Speaker Coe—9.

And so said amendment was ordered to the table.

Mr. Gillespy moved to amend by striking from said bill the words "two thirds,' for the purpose of inserting the words 'a majority.'

And thereupon the question was had and determined in the affirmative—ayes 13, noes 10. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Balch, Brown, Gaines, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Love, Terry, Turney, Warner, Yoakum and Speaker Coe—13.

Those who voted in the negative were

Messrs. Aikən, Ashe, Frey, Jennings, Jones of Hickman, Marshall, Reneau, Sevier, Walton, and Wheeler—10.

So said motion prevailed.

The question then recurred upon the passage of the bill, and being thereon had it was determined in the affirmative—ayes 17, noes 5.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Ashe, Balch, Brown, Frey, Gaines, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Marshall, Reneau, Sevier, Turney, Walton, Warner, Wheeler and Yoakum—17.

The negative votere were

Messrs. Gillespy, Laughlin, Love, Terry and Speaker Coe—5.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Terry, from the committee on enrollments, reported as correctly enrolled, an act for the relief of John W. Fowler.

Said act was signed by the Speaker of the Senate and ordered to be transmitted to the House of Representatives.

The Senate concurred with the amendments proposed by the House of Representatives to a bill to establish the county of Van Buren, and to a bill to provide for the correction of the survey of range 4, west of the basis line of the Ocoee district.

*Ordered*, That the clerk acquaint the House of Representatives therewith.

Mr. Warner returned with an amendment in lieu of the whole from the enacting clause, a bill to give the citizens residing in the fractional parts of Marshall county the privilege to file bills and answers in Chancery in either of the courts held in Shelbyville, Fayetteville and Columbia.

The said amendment being accepted, Mr. Warner moved to amend the caption of said bill so as to read, 'a bill to establish a chancery court

in Lewisburg, in Marshall county, and for other purposes; which motion also prevailed.

The said bill was thereupon read a third time and passed—ayes 24.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Baleh, Brown, Frey, Gaines, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—24.

And so said bill passed its third reading, and then

The Senate adjourned until Thursday morning, nine o'clock.

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THURSDAY MORNING, Jan. 9, 1840.

The Senate concurred with the amendment proposed by the House of Representatives to the bill to change the time of holding the Chancery and Circuit courts of Carroll, Benton, Wayne, Lawrence and Marshall counties.

The motion heretofore made by Mr. Brown to re-consider the vote passing the bill to repeal all laws authorizing the Governor of the State to issue the bonds of the State to any internal improvement company was taken up, and the question, 'will the Senate re-consider,' was determined in the affirmative—ayes 13, noes 6.

The ayes and noes being demanded, the affirmative voters were

Messrs. Ashe, Brown, Frey, Gaines, Gillespy, Laughlin, Love, Marshall, Reneau, Terry, Walton, Warner, and Speaker Coe—13.

Those who voted in the negative were

Messrs. Baleh, Hardwicke, Jones of Hickman, Jones of Lincoln, Wheeler and Yoakum—6.

So said motion prevailed.

Mr. Laughlin thereupon offered the following amendment thereto, to wit:

Provided nothing in this act shall be so construed as to prevent companies organized for works of internal improvement from filing bills in equity against the State, and if they can show that they have fairly and bona fide complied strictly with the provisions of their charters, and that they are able and willing and ready in good faith to proceed with such works, then the court may decree that such bonds may issue as such company may be entitled to. But in no case shall any State bond or bonds issue by virtue of this proviso, where there has been fraud, feilure, or any other malpractice in the organization of such company.

And the house of the Senate being had, said amendment was adopted.

Mr. Anderson thereupon offered the following amendment, to wit:

Provided nothing in this act shall be so construed as to prevent the Governor of the State from issuing the bonds of the State to all internal improvement companies, where the stock has heretofore been subscribed by the Governor.

And thereupon the question was had and determined in the negative—ayes 10, noes 10. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Gillespy, Marshall, Reneau, Terry and Wheeler—10.

Those who voted in the negative were,

Messrs. Balch, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Walton, Warner, Yoakum and Speaker Coe—10.

And so said amendment was rejected.

Mr. Terry moved further to amend by adding the following:

Provided also, nothing herein contained shall be construed to affect the river bonds. Which amendment was accepted.

Mr. Jones of Hickman offered the following as an amendment to said bill, to wit:

*Be it enacted*, That the President of the Bank of Tennessee, be directed to return to the Governor (by him to be destroyed,) all State bonds deposited in his hands for negociation; the proceeds to be used for the purpose of removing the obstructions out of the navigable water courses in Tennessee.

Mr. Laughlin moved the previous question, which motion failed—ayes 7, noes 13.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Balch, Hardwicke, Jones of Lincoln, Laughlin, Warner, Wheeler and Speaker Coe—7.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Gillespy, Jones of Hickman, Love, Marshall, Reneau, Terry, Walton and Yoakum—13.

And so said motion was rejected.

Mr. Ashe moved a call of the Senate, which being made, the following Senators answered the call, to wit:

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gaines, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Terry, Walton, Warnerr, Wheeler, Yoakum and Speaker Coe.

Mr. Terry moved to lay the amendment of Mr. Jones of Hickman on the table, which motion prevailed—ayes 13, noes 7.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Ashe, Balch, Brown, Frey, Gaines, Laughlin, Love, Reneau, Terry, Warner, Wheeler and Speaker Coe—13.

Those who voted in the negative were

Messrs. Anderson, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Marshall and Yoakum—7.

So said motion prevailed.

Mr. Gillespy moved to amend by adding the following, to wit:

Provided nothing in this act contained shall be so construed as to extend to the Hiwassee and Memphis, and Lagrange rail roads.

Mr. Warner, moved to lay the said amendment on the table, which motion prevailed—ayes 11, noes 10.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Balch, Brown, Frey, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Walton, Warner and Wheeler—11.

Thoese who voted in the negative were

Messrs. Aiken, Ashe, Gaines, Gillespy, Love, Marshall, Reneau, Terry, Yoakum and Speaker Coe—10.

So said motion prevailed.

Mr. Marshall thereupon moved the indefinite postponement of the bill.

Mr. Gillespy moved to lay it on the table, which motion prevailed.

Mr Gillespy submitted the following:

*Resolved by the General Assembly of the State of Tennessee,* That so much of a resolution passed at the present session of the General Assembly as provides for the election of a Surveyor General of the Ocoee District, and this day be and the same is hereby rescinded.

And the rule being suspended said resolution was adopted.

*Ordered,* That the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

The bill to repeal all laws authorizing the Governor of the State to issue the bonds of the State to any internal improvement company was again taken up.

To which Mr. Gillespy offered the following as an amendment, to wit:

*Be it enacted,* That the three hundred thousand dollars of river bonds now in the Bank of Tennessee, and which have been issued and set apart for the improvement of rivers in Middle Tennessee, shall be delivered up to the Governor to be cancelled.

Mr. Warner moved the previous question, and the sense of the Senate being thereon had, it was determined in the affirmative. The question was then put. 'Shall the bill pass,' and determined in the negative—ayes 9, noes 14.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Balch, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Turney, Warner and Yoakum—9.

Those who voted in the negative were,

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Gillespy, Jennings, Love, Marshall, Reneau, Terry, Walton, Wheeler and Speaker Coe, 14.

So said bill was rejected.

Mr. Frey from the committee on enrollments, reported as correctly enrolled, an act for the benefit of females, and to authorize the granting of divorces in certain cases. Which was signed by the Speaker and ordered to be transmitted to the House of Representatives.

A message from the House of Representatives by Mr. Crockett, their Clerk:

Mr. Speaker: The House of Representatives concur with your re-

solution rescinding so much of a resolution adopted heretofore by both branches of the General Assembly, as proposes to go into the election of a surveyor for the Ocoee District on this day. The House again non-concur with your proposed amendments to the bill for the benefit of the occupant settlers south and west of the congressional reservation line; and propose a committee of conferrence thereon, to consist of Messrs. Buchanan of Lawrence, Foster, Parker, Brown and Frazier on their part, with which they ask your concurrence.

And then he withdrew.

The Senate agreed to the appointment of the committee, and appointed Messrs. Brown, Jones of Hickman, Love and Ashe to be of said committee on their part.

*Ordered*, That the clerk acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr. Crockett, their Clerk:

Mr. Speaker: The House of Representatives are now ready to receive the Senate for the purpose of going into the election set apart for this day.

And then he withdrew. Whereupon the Speaker and Gentlemen of the Senate repaired to the hall of the House of Representatives. And thereupon the two houses proceeded, according to the provisions of the constitution, to the election of a chancellor for the fourth division. Bromfield L. Ridley of the county of Warren being in nomination, and there being no opposition, he received the votes of the following named Senators, to wit:

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Frey, Gaines, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—23.

The voting being continued by the House of Representatives, the aggregate vote for Mr. Ridley was ninety-seven.

Whereupon the Speaker of the Senate declared him to be duly and constitutionally elected Chancellor of the fourth division for the term of eight years from the date of his commission.

And thereupon the Speaker and Gentlemen of the Senate returned to their own chamber.

Mr. Aiken then moved an adjournment until two o'clock, p. m.

And thereupon the question was had and determined in the negative, ayes 10, noes 11. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Ashe, Balch, Brown, Gaines, Gillespy, Love, Marshall, Terry and Walton—10.

The negative voters were

Messrs. Anderson, Frey, Hardwicke, Jones of Hickman, Jones of Lincoln, Reneau, Turney, Warner, Wheeler, Yoakum and Speaker Coe—11.

So said motion was rejected.

The motion of Mr. Hardwicke to re-consider the vote rejecting the

bill to increase the salary of the Judges of the Supreme court, was considered on his motion and determined in the affirmative—ayes 12, noes 10.

The ayes and noes being required by the constitution, those who voted in the affirmative were

Messrs. Aiken, Ashe, Brown, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Love, Marshall, Turney, Yoakum and Speaker Coe—12.

Those who voted in the negative were

Messrs. Anderson, Balch, Frey, Gaines, Jones of Hickman, Reneau, Terry, Walton, Warner and Wheeler—10.

So said motion prevailed.

Whereupon Mr. Gillespy moved to lay the said bill on the table, which motion failed.

Mr. Gillespy thereupon moved an adjournment until two o'clock, p. m., which was decided in the negative—ayes 7, noes 15.

The ayes and noes being required, those who voted in the affirmative were,

Messrs. Aiken, Gillespy, Hardwicke, Love, Marshall, Turney and Yoakum—7.

Those who voted in the negative were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gaines, Jones of Hickman, Jones of Lincoln, Laughlin, Reneau, Terry, Walton, Warner, Wheeler and Speaker Coe—15.

So said motion failed.

Mr. Hardwicke asked and obtained leave to withdraw the said bill for amendment.

Mr. Yoakum asked and obtained leave to withdraw for amendment, a bill to incorporate the Clarksville Fire Insurance and Life and Trust Company.

The Senate took up and considered the amendment proposed by the House of Representatives to the bill to extend the act of 1837-8, ch. 206; and creating the Merchants Insurance and Trust Company of Nashville.

Mr. Jones of Lincoln offered the following as an amendment to the amendment, to wit:

*Be it enacted*, That the company herein incorporated shall not issue or put in circulation any bill, bond, note, check, order, or change ticket intended to circulate as change or currency, the tendency of which will be to circulate as currency and a violation of the provisions of this section shall be a forfeiture of their charters. And the directors and stockholders in said company for a violation of this section, shall forfeit and pay the sum of ten thousand dollars recoverable before any court having jurisdiction of the case, one half to the person or persons [illegible] the same. And it shall be lawful to levy and sell by virtue of an execution issued on such judgments as shall be rendered under this act, the individual property of any one of the stockholders of said company and satisfaction of said execution made.

Mr. Speaker Coe then on the floor, moved the previous question, which was had in the following manner, to wit:

"Shall the main question be now put;" and determined in the affirmative—ayes 13, noes 8.

The ayes and noes being demanded the affirmative voters were

Messrs. Ashe, Brown, Frey, Gaines, Hardwicke, Jennings, Laughlin, Love, Marshall, Reneau, Turney, Walton and Speaker Coe—13.

The negative voters were

Messrs. Anderson, Balch, Gillespy, Jones of Hickman, Jones of Lincoln, Warner, Wheeler and Yoakum—8.

So the call for the previous question was sustained.

Whereupon the said amendment from the House of Representatives was read and concurred with—ayes 15, noes 6.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Gillespy, Hardwicke, Jennings, Laughlin, Love, Marshall, Reneau, Turney, Walton and Speaker Coe—15.

Those who voted in the negative were

Messrs. Balch, Jones of Hickman, Jones of Lincoln, Warner, Wheeler and Yoakum—6.

So said amendment was concurred with.

*Ordered*, That the clerk acquaint the House of Representatives therewith.

Mr. Ashe moved a call of the Senate, which motion prevailing and the call being made, the following named Senators answered to said call, to wit:

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gaines, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Walton, Wheeler and Speaker Coe.

The Senate then adjourned until two o'clock, p. m.

Two o'clock p. m. Mr. Warner moved a call of the Senate, which motion prevailing, the following Senators answered the said call, to wit:

Messrs. Aiken, Anderson, Brown, Frey, Gaines, Gillespy, Jones of Hickman, Jones of Lincoln, Love, Marshall, Reneau, Sevier, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe.

A bill to authorize Moses Thompson of Rhea county to open a turnpike road. And

A bill to authorize the County court of Lincoln county to grant the privilege of building mills and factories in certain cases, were severally read a second time and passed.

Mr. Turney withdrew a bill to extend the charter of the Paint Mountain company.

A bill to provide for the reduction of the State debt was taken up and read.

Mr. Warner moved its indefinite postponement.

And thereupon the question was had and determined in the negative, ayes 2, noes 18. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Turney and Warner—2.

Those who voted in the negative were

Messrs. Aiken, Anderson, Balch, Brown, Frey, Gaines, Gillespy, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Walton, Wheeler, Yoakum and Speaker Coe—18.

So said motion failed.

Mr. Gillespy thereupon offered the following as an amendment thereto, to wit:

*Be it enacted*, That in all cases where the Governor on behalf of the State has subscribed for stock in any internal improvement company in this State, bonds for the stock so subscribed shall be issued as now prescribed by law, where such company has in good faith proceeded in the prosecution of the improvement contemplated according to the terms of the charter of their incorporation.

Mr. Jones of Lincoln moved to lay the said amendment on the table.

And thereupon the question was had and determined in the affirmative—ayes 13, noes 9. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Balch, Brown, Frey, Hardwicke, Jones of Lincoln, Marshall, Reneau, Sevier, Walton, Warner, Wheeler and Yoakum—13.

The negative voters were

Messrs. Aiken, Ashe, Gaines, Gillespy, Jennings, Laughlin, Love, Turney and Speaker Coe—9.

So said motion prevailed.

Mr. Wheeler thereupon moved the previous question, and the sense of the Senate being had on said motion, the said call was not sustained.

Mr. Gillespy offered the following amendment to said bill, to wit:

As it is not designed by this General Assembly to increase the liabilities of the State by the issuance of any further bonds upon the credit of the State for internal improvements or for the Bank of Tennessee. And as it is believed that the act incorporating said bank is destructive to the best interests of the State. Therefore,

*Be it enacted*, That the Bank of Tennessee and its Branches shall forthwith cease all discounts, and proceed as soon as practicable to wind up and close the affairs of said institution. And that said bank be required forthwith to resume specie payments.

Mr. Jones of Lincoln moved to lay the foregoing amendment on the table, which motion prevailed—ayes 14, noes 9.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Frey, Jennings, Jones of Hickman, Jones of Lincoln, Marshall, Sevier, Walton, Warner, Wheeler, Yoakum and Speaker Coe—14.

The negative voters were

Messrs. Balch, Gaines, Gillespy, Hardwicke, Laughlin, Love, Reneau, Terry and Turney—9.

And so said motion prevailed.

Mr. Hardwicke thereupon offered the following as an amendment to said bill, to wit:

*Be it enacted*, That the bonds executed for the improvement of the

rivers shall be forthwith delivered to the Governor by him to be burned.

Mr. Jones of Lincoln moved to lay the said amendment on the table.

And the question being thereon had, it was determined in the affirmative—ayes 19, noes 5. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Frey, Gaines, Jennings, Jones of Lincoln, Love, Marshall, Reneau, Sevier, Terry, Turney, Walton, Wheeler, Yoakum and Speaker Coe—19.

Those who voted in the negative were

Messrs. Gillespy, Hardwicke, Jones of Hickman, Laughlin, and Warner—5.

So said motion prevailed.

Whereupon Mr. Gillespy offered the following in lieu of the whole bill from the enacting clause, to wit:

That the one and a half million of bonds to be issued by the Governor on the credit of the State for the Bank of Tennessee, be issued in the form of Sterling bonds.

Mr. Wheeler moved the previous question, which was had in the following words, to wit:

"Shall the main question be now put?" and determined in the negative—ayes 10, noes 14.

The ayes and noes being demanded, the affirmative voters were

Messrs. Anderson, Ashe, Frey, Jennings, Jones of Lincoln, Marshall, Walton, Wheeler, Yoakum and Speaker Coe—10.

Those who voted in the negative were

Messrs. Aiken, Balch, Brown, Gaines, Gillespy, Hardwicke, Jones of Hickman, Laughlin, Love, Reneau, Sevier, Terry, Turney and Warner—14.

And so the call for the previous question was not sustained.

Mr. Jones moved to lay the said amendment of Mr. Gillespy's on the table.

And thereupon the question was had, and determined in the affirmative—ayes 14, noes 10. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe Balch, Brown, Frey, Gaines, Jennings, Jones of Hickman, Jones of Lincoln, Marshall, Sevier, Walton, Wheeler and Yoakum—14.

Those who voted in the negative were

Messrs. Aiken, Gillespy, Hardwicke, Laughlin, Love, Reneau, Terry, Turney, Warner and Speaker Coe—10.

So the said amendment was ordered to the table.

The question then recurred upon the passage of the said bill, and being thereon had it was determined in the affirmative—ayes 15, noes 9.

The ayes and noes being demanded the affirmative voters were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gillespy, Jennings, Jones of Lincoln, Love, Marshall, Sevier, Terry, Walton, Wheeler and Yoakum—15.

The negative voters were

Messrs. Aiken, Gaines, Hardwicke, Jones of Hickman, Laughlin Reneau, Turney, Warner and Speaker Coe—9.

And so said bill passed its second reading.

A bill to re-appoint Dr. Girard Troost to the office of Geologist, Mineralogist and Assayer of the State of Tennessee, was on motion of Mr. Jones of Lincoln ordered to the table and made the order of the day for to-morrow.

Mr. Terry from the committee on enrollments reported as correctly enrolled, an act to provide for the correction of the survey of range 4, west of the basis line in the Ocoee District.

The said enrolled act was signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

And then the Senate adjourned.

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Friday Morning, Jan. 10, 1840.

Mr. Marshall, from the committee on the judiciary, to whom was referred a bill to establish a Chancery court at Clarksville, reported that the committee have had the same under consideration, think its provisions reasonable, and had instructed him to recommend its passage. The said bill was thereupon read a second time and passed.

The same from the same, to whom was referred a bill to extend the provisions of the act of 1827, ch. 54, reported that the committee have had the same under consideration, think its provisions unreasonable, and had instructed him to recommend its rejection. The said bill was thereupon read and rejected.

A message from the House of Representatives by Mr. Crockett, their clerk:

Mr. Speaker: The Speaker of the House of Representatives did this day sign an enrolled act, entitled an act to change the time of holding the circuit courts for the counties of Carroll, Benton, Perry, Hardin, Wayne and Lawrence.

And then he withdrew. Thereupon the Speaker signed the enrolled act, and ordered it to be deposited in the office of the Secretary of State.

Mr. Frey, from the committee on enrollments, reported as correctly enrolled, an act to restore certain persons to the rights and privileges of citizens, and for other purposes,

An act to establish permanently the seat of justice in the county of Hamilton,

An act to establish the county of Van Buren, and

An act to extend the act of 1837, ch. 206, and to create a body politic and corporate, to be called the Merchant's Insurance and trust company of Nashville.

All of which were signed by the Speaker and ordered to be transmitted to the House of Representatives.

Mr. Yoakum submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That this Legislature will adjourn its session on the 27th inst.

And the rule being suspended, Mr. Terry moved to amend the said resolution by adding the following:

Provided we shall have completed the public business by that day.

And thereupon the question was had and determined in the affirmative—ayes 14, noes 11. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Balch, Brown, Gaines, Gillespy, Hardwicke, Jennings, Jones of Hickman, Laughlin, Reneau, Smith, Terry and Turney—14.

The negative voters were

Messrs. Anderson, Ashe, Jones of Lincoln, Love, Marshall, Sevier, Walton, Warner, Wheeler, Yoakum and Speaker Coe—11.

And so said amendment was received.

Mr. Gillespy thereupon moved to lay the said resolution on the table; which motion failed.

Mr. Jones of Lincoln moved to amend by substituting 'February 3,' for '27th instant.'

Mr. Gillespy moved to substitute the word "10th of Feb'y," in lieu of the motion of Mr. Jones of Lincoln.

Which motion failing, Mr. Jones of Lincoln offered the following in lieu of the said resolution:

*Resolved*, That this General Assembly will adjourn its present session without day, on Monday the 3d day of February next.

To which Mr. Gillespy offered the following as an amendment, to wit:—

Provided the business of legislation before the Legislature can by that day be disposed of, or sooner if practicable.

Mr. Speaker Coe, then on the floor, moved to lay the said amendment on the table, which motion prevailed—ayes 17, noes 8.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Sevier, Smith, Walton, Warner, Wheeler, Yoakum and Speaker Coe—17.

Those who voted in the negative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Love, Reneau. Terry and Turney—8.

The question then recurred upon the acceptance of Mr. Jones's resolution in lieu of the original, which prevailing, the same was read and adopted.

*Ordered*, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Yoakum submitted the following:

*Resolved*, That the President of the Bank of Tennessee inform the Senate whether any interest has been paid or called for on the bonds of the State heretofore issued to the Louisville, Cincinnati and Charleston rail road company, and that he report to the Senate all the information he has on that subject.

And the rule being suspended, said resolution was adopted. Mr. Laughlin introduced a bill concerning the herding of cattle, and.

Mr. Turney, a bill to prevent the State from paying unlawful interest upon the bonds of the State issued for internal improvement purposes, which were severally read a first time and passed.

Mr. Yoakum returned a bill to incorporate the Clarksville Fire Insurance and Life and Trust Company, and offered the following as an amendment thereto:

*Be it enacted*, That said company shall not apply their funds directly or indirectly, by themselves or agents, to any kind of brokerage, either in buying or selling gold or silver coin or bullion, bank notes, bills of exchange, promissory notes or writings obligatory; and if they shall at any time violate the provisions of this section, their charter shall thenceforth be void.

Mr. Frey moved to lay the said amendment on the table; which prevailed—ayes 17, noes 8.

The ayes and noes being demanded the affirmative voters were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Jones of Hickman, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Terry, Turney, Walton and Speaker Coe—17.

The negative voters were,

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Lincoln, Warner, Wheeler and Yoakum—8.

So said amendment was ordered to the table.

Mr. Yoakum thereupon offered the following in lieu of the 6th section of said bill:

That it shall not be lawful for said company to invest any part of its capital stock in any public stock or funded debt created or to be created by or under any law of the United States, or of any State, Territory or Government, or in the stock of any chartered bank or any corporation whatever, but the same shall be and remain in the hands of the said corporation, to meet all liabilities which they may incur.

Mr. Frey moved to lay the foregoing on the table.

And thereupon the question was had and determined in the affirmative—ayes 14, noes 11. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Jennings, Laughlin, Marshall, Reneau, Sevier, Terry, Turney, Walton and Mr. Speaker Coe—14.

Those who voted in the negative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Love, Smith, Warner, Wheeler and Yoakum—11.

So said amendment was ordered to the table.

Mr. Yoakum moved to amend the said bill by striking therefrom that part thereof which provides for the establishment of branches; which motion was rejected.

Mr. Jones of Lincoln thereupon moved to amend by adding thereto the following, to wit:

The General Assembly may at any time modify or repeal this act or any of its provisions.

And the sense of the Senate being thereon had, the said amendment was rejected.

Mr. Jones of Lincoln thereupon moved the following as an amendment to said bill, to wit:

The individual property of the stockholders of the company shall be liable for the debts of the corporation.

And thereupon the question was had and determined in the negative—ayes 10, noes 14. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Smiih, Warner, Wheeler and Yoakum—10.

The negative voters were,

Messrs. Anderson, Brown, Frey, Gaines, Jennings, Laughlin, Love, Marshall, Reneau, Sevier, Terry, Turney, Walton, and Speaker Coe, 14.

And so said amendment was rejected.

The said bill was thereupon read a second time and passed.

A bill to re-appoint Dr. Gerard Troost Geologist, Mineralogist and Assayer of the State of Tennessee, was taken up and read.

Mr. Wheeler offered an amendment in lieu of the whole, proposing to dispense with the appointment of said officer.

Mr. Turney moved to strike from said bill that part thereof which provides that the salary shall be one thousand dollars per annum, which motion failed.

Mr. Yoakum moved an amendment thereto, requiring the said officer to report fully upon certain subjects therein contained; which amendment was received.

The question then recurred upon the amendment offered by Mr. Wheeler in lieu of the whole, and being thereon had it was determined in the negative—ayes 9, noes 15.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Balch, Hardwicke, Jones of Hickman, Love, Terry, Warner, Wheeler and Speaker Coe—9.

The negative voters were

Messrs. Aiken, Ashe, Brown, Frey, Gaines, Gillespy, Jennings, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Turney and Yoakum—15.

And so said amendment was rejected.

The said bill was thereupon read as amended a second time and passed—ayes 13, noes 9.

The ayes and noes being demanded the affirmative voters were

Messrs. Aiken, Ashe, Brown, Frey, Gaines, Gillespy, Jennings, Laughlin, Marshall, Reneau, Sevier, Smith and Yoakum—13.

Those who voted in the negative were

Messrs. Anderson, Balch, Hardwicke, Jones of Hickman, Love, Turney, Warner, Wheeler and Speaker Coe—9.

And so said bill passed its second reading.

A bill to amend the law in relation to executors and administrators,
A bill to amend an act passed in 1835, ch. 62,
A bill for the relief of James Bradford, and
A bill to incorporate a male academy in the county of Claiborne, to be called the Powell's Valley Academy, were severally read a second time and passed.

A bill to create an additional branch of the Bank of Tennessee at Knoxville, was taken up and read.

Mr. Aiken offered an amendment thereto, providing for the location of a branch at Jonesboro, in the county of Washington.

On motion of Mr. Wheeler, the said bill and amendment were ordered to the table.

Mr. Speaker Coe presented communications from the stock banks of this city, in relation to the debt due by said banks to the State of Tennessee; which were read and ordered to be transmitted to the House of Representatives.

A bill to prevent frauds in entering and selling lands previously appropriated, and

A bill to regulate the salaries of the officers of the Bank of Tennessee, and

A bill to extend certain privileges to the owners of Iron works, were severally read a second time and passed.

A bill to establish a Branch of the Bank of Tennessee in each of the Senatorial districts in this State, was read a second time and passed.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Brown, Frey, Gillespy, Jennings, Jones of Hickman, Marshall, Reneau, Sevier, Terry and Wheeler.—13.

Those who voted in the negative were,

Messrs. Gaines, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Yoakum and Speaker Coe—9.

And so said Bill passed its second reading.

A bill to [illegible] the damages to be recovered on suits brought upon inland bills of exchange, together with the amendment offered heretofore by Mr. Reneau, were taken up and read.

In lieu of which Mr. Jones of Lincoln offered an amendment, providing that all laws and parts of laws authorizing the collection of damages on protested bills of exchange, be repealed; which amendment was accepted.

The bill was then read as amended a second time and passed.

A bill to provide for the adjudication of unsatisfied land claims, as reported by the committee, was read a first time and passed.

A bill to increase the tax on brokers, was taken up and read.

Mr. Yoakum offered the following amendment thereto, to wit:

That all corporations other than Banks, that shall directly or indirectly employ their funds in the business of common or exchange brokerage, shall pay a like tax of two thousand dollars.

And the sense of the Senate being thereon had, the said amendment was rejected.

Mr. Hardwicke moved to strike from said bill the sum of two thousand dollars, for the purpose of inserting the sum of one hundred thousand dollars; which motion was rejected.

Mr. Gillespy moved to strike out the said sum of two thousand dollars for the purpose of inserting the sum of ten thousand dollars; during the pendency of which,

The Senate adjourned.

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SATURDAY MORNING, Jan. 11, 1840.

Mr. Smith presented a petition from sundry citizens of Marshall county remonstrating against a repeal of the tippling act of 1837, which was read and ordered to the table.

Mr. Brown from the committee on privileges and elections submitted the following:

*Resolved*, That in order to carry into effect the provisions of a resolution introduced in the Senate on the day of by the Senator from the county of Rutherford, touching the frauds committed in the last August election as set forth in a memorial from sundry citizens of Rutherford county, that the clerk award to said memorialist and also the sitting Senator from said county, commissions to take depositions, and that the clerk issue the same to any Judge or Justice of the peace in this State.

*Resolved*, That the memorialist and the sitting Senator from Rutherford county, their agents or attorneys have leave to take depositions showing the illegality of any vote in said election, or fraud committed by any person in said election; by giving each party their agent or attorney, two days notice of the time and place of taking the same.

In lieu of which Mr. Wheeler offered the following:

*Resolved*, That commissions issue under the hand of the clerk of the Senate to any justice of the peace in Rutherford county or Cannon county, at the instance of any one or more of those charging corruption in the late election in said counties to take depositions to prove illegal or fraudulent votes; Provided that said commissions shall in their face require the person or persons at whose instance the same may be issued to give to the judges holding the elections in the several districts. and also the persons whose right to vote may have been questioned, provided they live in either of said counties, two days notice of the time and place when and where he or they will examine witnesses touching the fraudulent or illegal vote of such person so notified and by such judges admitted to be given. And said commission shall further require said justice of the peace to hear and take all evidence that may be introduced to prove illegal voting on either side; provided that no testimony shall be taken till such judges and persons charged with illegal voting shall have been notified as above.

Mr. Jennings moved to amend the said amendment by adding thereto the following, to wit:

As well as all other proceedings connected with said election, which was accepted by Mr. Wheeler.

Mr. Jennings moved further to amend by adding the following, to wit:

At the usual residence of such illegal voter if such voter resides in either of said counties, and if he have no fixed residence to notify him if practicable.

And thereupon the question was had and determined in the negative—ayes 12, noes 12. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Gillespy, Jennings, Marshall, Reneau, Sevier, Terry and Walton—12.

Those who voted in the negative were

Messrs. Aiken, Balch, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Wheeler and Speaker Coe—12.

So said amendment was rejected.

The said amendment of Mr. Wheeler was then accepted in lieu of the resolution of Mr. Brown's, read and adopted.

A message from the House of Representatives conveying the report of the joint select committee on the official mismanagement of the Superintendent of Public Instruction was read, and on motion of Mr. Aiken five hundred copies thereof were ordered to be printed for the use of the Senate.

On motion of Mr. Yoakum,

*Ordered*, That all evidence and testimony accompanying the said report, be filed in the office of the Secretary of State, subject to the use of the Attorney General of the State.

Mr. Speaker Coe presented a communication from W. Nichol, President of the Bank of Tennessee, made in obedience to a resolution adopted by the Senate on yesterday.

On motion of Mr. Jones of Lincoln, the said communication was referred to the committee on the Judiciary.

Mr. Laughlin from the committee on Banks made the following report, to wit:

The joint standing committee on Banks, have had under consideration the communication from the Union Bank of Tennessee, dated the 10th inst., and the communication from the Planters Bank of Tennessee of the same date, but by mistake dated the 11th day of this month, referred to them by the House of Representatives, containing propositions for the payment of the debts due respectively from those Banks to the State, payable to the Bank of Tennessee for the balances of surplus federal revenue held by said banks on deposit, and which fell due on the 1st inst.

The debts so due are now liable to be put in suit, and it appears that the Attorney General has promptly taken measures accordingly. But that there are certain questions of embarrassment connected with the subject which the Attorney General has laid before the committee, but upon which no particular report is deemed necessary.

The questions presented by the propositions of the banks, relate alone to the debts in question, their security and collection, and have been considered by the committee without reference to the vexed question of resumption of specie payments. A bill referred to them and reported with amendments at a former day is believed to embrace the subject of resumption, and to provide for its enforcement. By reporting the resolution which is submitted with this report, the committee do not intend by implication or direct recommendation to yield their approbation to the present suspension of the banks of the State, or a continuance of the same, or by any means to weaken the demands of the country upon the banks for immediate resumption.

By the terms of the propositions of the banks, if the same be complied with in good faith, the full amount of the debts will be collected and received by the State, as the committee fully believe, at an earlier day than the same can be enforced by suit. By the terms of the propositions, if complied with, the Bank of Tennessee will be strengthened immediately in its means of affording relief in the reasonable extension of accommodation at the principal bank and branches, and of furnishing exchange at easy rates with profit to the State without, increasing its immediate liabilities, or in the least diminishing its ability for resumption as the committee believe, but will strengthen the same and enable the bank to resume as the interest of the country demands.

The committee however have not come to the resolution, which they report for adoption without being clear that the same should not be adopted or carried into effect, without first requiring the full and ample securities for the debts and all accruing interest as specified.

The communications from the said banks are herewith submitted, marked A and B, and made parts of this report. The committee recommend the following joint resolution for adoption.

*Resolved by the General Assembly of the State of Tennessee*, That the President and Directors of the Bank of Tennessee, with the assent and approval of the Comptroller of the Treasury and the Attorney General, be instructed to accept the propositions of the Union Bank of Tennessee, and the Plnnters Bank of Tennessee made to the General Assembly on the 10th of January 1840, for the payment to the State of the surplus federal revenue, debts due by said banks to the State with all accruing interest on the same, which fell due on the 15th day of January 1840; provided that before said terms of payments are accepted and ratified, the said Union Bank of Tennessee and Planters Bank of Tennessee shall be required to make and execute such bonds with personal security payable to the State or to the President and Directors of the Bank of Tennessee for the faithful payment of said debts and interest in renewal of former securities as may be satisfactory to the President and Directors of the Bank of Tennessee, the Comptroller of the Treasury and the Attorney General.

All of which is respectfully submitted.

S. H. LAUGHLIN, Ch'm, Senate Com.
THOMAS BARRY, Ch'm. H. R. Com.

(A.) UNION BANK OF TENNESSEE,
Nashville, Jan. 10, 1840.

*To the Hon. Senate and House of Representatives:*

A communication from this Bank to the President of the Bank of Tennessee, was recently laid before your Honorable body, containing a proposition for the settlement of the debt due the State, on account of the surplus revenue deposit.

That proposition was made in view of the present embarrassed condition of the country, and under a belief that an earlier return to specie payments could take place, and that if acceded to, it would enable this bank to pursue a less rigid course towards its debtors and thereby avoid much individual distress in the collection of its debts. That proposition not having as yet been acceded to, and no definite action having been taken upon it and anxious to avoid the discredit to the institution consequent upon a suit by the State for the collection of the debt, I am instructed to propose the following as the terms upon which the bank will undertake to make the payment.

The Bank will pay the debt in six equal monthly instalments—the first on the 1st day of March next, and the last on the first day of August next—one half of each instalment to be paid in Philadelphia, and the other half in New Orleans.

I have the honor to be your ob't serv't,
JOHN M. BASS, President.

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(B.)
PLANTER'S BANK OF TENNESSEE,
Nashville, Jan'y 11, 1840.

*To the Hon. the General Assembly of the State of Tennessee:*

I had the honor, on the 30th ult. to communicate to the General Assembly, through the President of the Bank of Tennessee, a proposition for the payment of the surplus revenue on deposits in this bank.

The object in requesting an extension to the next year for a portion thereof, was to prevent the necessity of distressing curtailments from the debtors to this institution. The General Assembly not having acted upon the subject, I presume it may be deemed tantamount to a rejection of the proposition.

This bank being anxious to fulfil its obligations to the State in a satisfactory manner, I now propose to pay the surplus revenue deposit a follows, which is equivalent to the description of funds demanded by the comptroller, and it is believed will equally subserve the interest or convenience of the Bank of Tennessee and the public.

| | |
|---|---|
| We will pay at sight, in checks on Philadelphia, | $100,000 |
| In checks on Philadelphia at four months, | 50,000 |
| do on New Orleans, do | 50,000 |
| In checks at five months date on New Orleans, | 50,000 |
| do at six months do do | 53,387 13 |

I have the honor be,
Very respectfully, your ob't servant,
M. WATSON, President.

Mr. Gillespy moved to amend the resolution reported by the committee, by adding thereto the following:

That the indulgence authorized to be extended by this General Assembly to said banks, is upon the express condition that said banks shall in good faith first resume specie payments of all outstanding liabilities when and where the same shall be due and payable; and that they will in good faith continue the same. And if said banks shall not on or before the first day of next month comply with the condition above prescribed, it shall be the duty of the Attorney General for the State to institute suit forthwith against said banks for the monies due from them respectively to the Bank of Tennessee, unless the same shall be by them sooner paid.

Mr. Smith thereupon moved the previous question.

And thereupon the question was had and determined in the negative—ayes 13, noes 12. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Brown, Frey, Gaines, Jennings, Laughlin, Marshall, Sevier, Smith, Turney, Walton, Warner and Speaker Coe—13.

The negative voters were,

Messrs. Aiken, Anderson, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Love, Reneau, Terry, Wheeler and Yoakum, 12.

So the said call for the previous question was sustained.

The question was then had, will the Senate adopt the resolution and report of the committee on banks, and determined in the affirmative.

Mr. Gillespy introduced a bill providing for the appointment of judges to hold elections for county officers, and for other purposes; both of which were severally read a first time and passed.

The proposition from the House of Representatives to amend the bill to protect the owners of mills in the enjoyment of their rights, was taken up and read.

Mr. Jones of Hickman moved to amend the said proposition by striking out the words "in any way," and insert the words "by placing obstructions therein."

And thereupon the question was had and determined in the affirmative—ayes 18, nays 5. The ayes and noes being demanded, the affirmative voters were

Messrs. Aiken, Anderson, Balch, Brown, Frey, Gaines, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Love, Marshall, Reneau, Terry, Turney, Wheeler, Yoakum and Speaker Coe—18.

Those who voted in the negative were,

Messrs. Ashe, Gillespy, Sevier, Smith and Warner—5.

So said motion prevailed.

Mr. Smith thereupon offered the following amendment to the said proposition, to wit:

Provided further, in all cases where any person or persons have built mills on any of the sloughs of Duck river, leaving an entry of ten feet across said slough.

Mr. Gillespy moved the previous question, which motion prevailing, the question of concurrence with the amendment of the House of Rep-

resentatives was had and determined in the negative; ayes 10 noes 12.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Brown, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Wheeler and Yoakum—10.

Those who voted in the negative were

Messrs. Ashe, Balch, Frey, Gaines, Gillespy, Hardwicke, Reneau, Sevier, Smith, Terry, Walton, Warner and Speaker Coe—12.

And so said proposition was non-concurred with.

*Ordered*, That the clerk acquaint the House of Representatives therewith.

A bill to prevent the embezzelment of the public money,

A bill for the relief of John G. Glass, of Bradley county,

A bill to authorize Allen White to open a turnpike road in Warren and Marion counties, and

A bill to explain an act passed the 17th of January, 1838, ch. 109, were each and severally read a second time and passed.

A bill to repeal part of an act passed —— day of January, 1838, entitled an act to distribute one hundred thousand dollars among the several counties in Middle Tennessee, and for other purposes, was read a second time, and the question Shall the bill pass, being thereon had, it was determined in the negative—ayes 10, noes 12.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Balch, Jones of Hickman, Jones of Lincoln, Love, Marshall, Smith, Walton, Warner and Yoakum—10.

Those who voted in the negative were

Messrs. Aiken, Brown, Frey, Gaines, Gillespy, Jennings, Laughlin, Reneau, Terry, Turney, Wheeler and Speaker Coe—12.

And so said bill was rejected.

A bill for the relief of James Bradford was read a third time and passed—ayes 15, noes 7.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Brown, Frey, Gaines, Hardwicke, Jennings, Jones of Hickman, Laughlin, Love, Reneau, Smith, Walton, Warner and Wheeler—15.

Those who voted in the negative were

Messrs. Ashe, Gillespy, Jones of Lincoln, Marshall, Sevier, Turney, and Yoakum—7.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill from the House of Representatives to repeal part of an act passed 9th of Feb'y, 1836, entitled an act to provide for the appointment of a collector of the revenue, and define his duties, was read a first time and passed.

A bill to authorize the Secretary of State to seal and countersign certain grants, being read,

Mr. Gillespy moved an amendment thereto, which was accepted, the bill read a second time and passed.

Mr. Yoakum returned, with an amendment in lieu of the whole, a bill requiring the distribution of the interest of the common school monies of the counties of Davidson, Rutherford and Bedford; the said bill was thereupon read as amended a second time and passed.

Mr. Frey moved a reconsideration of the vote non-concurring with the amendment proposed by the House of Representatives to the bill to protect the owners of mills in the enjoyment of their rights.

A bill to increase the salaries of the Supreme court judges, being read,

Mr. Warner moved to amend the said bill by striking therefrom the words 'twenty-five hundred' for the purpose of inserting 'two thousand,' which motion prevailed.

The said bill was thereupon read as amended a second time, and the question Shall this bill pass? being thereon had, it was determined in the negative—ayes 6, noes 17.

The ayes and noes being required, those who voted in the affirmative were,

Messrs. Brown, Jones of Hickman, Marshall, Sevier, Smith and Speaker Coe—6.

Those who voted in the negative were

Messrs. Aiken, Anderson, Ashe, Balch, Frey, Gaines, Gillespy, Jones of Lincoln, Laughlin, Love, Reneau, Terry, Turney Walton, Warner, Wheeler and Yoakum—17.

So said bill was rejected.

A bill to incorporate the Memphis manufacturing company being read,

Mr. Jones of Lincoln moved to amend by adding thereto the following, to wit:

The individual property of the stockholders of the company herein incorporated, shall be liable for the debts of the corporation, and may be levied on and sold by virtue of executions against said corporation. And the sense of the Senate being had thereon, said amendment was rejected.

Mr. Yoakum thereupon offered the following as an amendment to said bill, to wit:

*Be it enacted*, That whenever the welfare of the community may require it, the Legislature may at any time alter, repeal or amend this charter, provided that two thirds of each house shall vote for such alteration, repeal or amendment.

Mr. Warner moved to amend the foregoing amendment, by providing that a majority of the members of the General Assembly should at any time alter or amend the said act of incorporation; which motion prevailed.

The question was then had upon the adoption of the said amendment of Mr. Yoakum, and determined in the negative—ayes 8, noes 15.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Jones of Hickman, Jones of Lincoln, Smith, Warner, Wheeler and Yoakum—8.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Gaines, Gillespy, Jennings, Laughlin, Love, Marshall, Reneau, Terry, Turney, Walton and Speaker Coe—15.

And so said amendment was rejected.

The said bill was thereupon read a second time and passed.

Mr. Aiken submitted the following:

*Resolved*, That the judiciary committee be instructed to enquire into the propriety of amending the act of 1794, commonly called the court law, on the subject of filing declarations and pleas, and to report by bill what amendment or amendments may be necessary for the more speedy administration of justice.

And Mr. Balch the following:

*Resolved*, That the President and Directors of the Bank of Tennessee report to this House whether interest has been paid to any internal improvement company in this State, upon any bond or bonds issued by the Governor on the part of the State, in whole or part payment of the State's subscription in any such company. If so, to what company or companies, and when paid.

Mr. Turney introduced a bill supplemental to three acts of Assembly, passed at the present session of the General Assembly, for the relief of Erby Boyd, James Spencer and Thomas Shuley; which was read a first time and passed. And thereupon

The Senate adjourned.

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Monday Morning, Jan. 13, 1840.

Mr. Brown presented a petition from sundry citizens of Perry county, praying for the establishment of a Branch of the Bank of Tennessee at Perryville in Perry county, which was read, and on his motion was ordered to be transmitted to the House of Representatives.

A bill to protect county creditors was taken up and read. And the amendment heretofore offered by Mr. Reneau in lieu of the bill and amendment being read, Mr. Terry moved to amend the said amendment by "providing that the county of Bledsoe shall not come under the provisions of said bill." Which amendment was received.

And thereupon the question was had upon the amendment proposed by Mr. Reneau in lieu of the original bill, which amendment was adopted. And the bill thereupon passed its second reading.

A bill to repeal all laws authorizing the Governor of this State to subscribe for stock on behalf of the State in any internal improvement company and for other purposes being read,

Mr. Jones of Lincoln moved to strike out in the fourth section the words "all charters of incorporation granted for the purpose of internal improvements are hereby placed upon the footing of private

contracts and relief may be granted accordingly." Which motion prevailing,

Mr. Aiken moved the following amendment, to wit:

*Be it enacted*, That nothing contained in this act shall be so construed as to affect the bonds issued for the improvement of the rivers in this State.

And the question being thereon had, it was determined in the affirmative—ayes 15, noes 8. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Ashe, Balch, Brown, Frey, Gillespy, Hardwicke, Laughlin, Love, Reneau, Sevier, Terry, Turney, Wheeler and Speaker Coe—15.

Those who voted in the negative were

Messrs. Anderson, Jones of Hickman, Jones of Lincoln, Marshall, Smith, Walton, Warner and Yoakum—8.

So said amendment was adopted.

Mr. Laughlin moved to insert in the fourth section of said bill after the word "proceeds," the following, "or have or intend to apply the same to any other purpose than the bonafide prosecution of the public work for which the same was issued or may be claimed." Which motion prevailing,

Mr. Balch moved to amend by striking out in the second section the word "may," and insert in lieu thereof the word "shall."

And thereupon the question was had and determined in the negative—ayes 1, noes 20. The ayes and noes being demanded, the affirmative voter was

Mr. Balch—1.

Those who voted in the negative were

Messrs. Aiken, Anderson, Brown, Frey, Gillespy, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—20.

And so said motion failed.

Mr. Laughlin moved further to amend by adding at the end of the fourth section the following, to wit:

And in each and every case where any company shall receive or may claim the right of having issued and received any amount of State bonds, it shall be the duty of the commissioners appointed under this act to investigate the affairs and accounts of such company according to the provisions of this act, requiring proof on oath, and report the same on oath to the Governor; who shall refer the same to the Attorney General and Comptroller of the Treasury for their action, as they together with the Governor deem the public good to require. Which amendment was accepted.

Mr. Turney thereupon offered the following, to wit:

*Be it enacted*, That when it shall appear to the Governor from information or evidence that any internal improvement company have in any wise acted fraudulently, and contrary to the intent of the provisions of the act of incorporation, or had failed to pay or invest the stock by the stockholders subscribed, it shall not be lawful for him to is-

sue any further bonds to such company, unless such company shall satisfactorily make it appear that they have in all things honestly and bona fide complied with the true, intent of the several acts incorporating such company. Which amendment was adopted.

Mr. Gillespy thereupon offered the following as an amendment to the bill, to wit:

*Be it enacted*, That in all cases where the Governor has issued the bonds of the State for the improvement of any of the rivers in this State, or in part payment of the State's subscription in any internal improvement company for the construction of any road in this State, such bonds may be surrendered by such boards or companies in the office of the Secretary of State to be cancelled, and bonds in lieu thereof in the form of sterling bonds shall be issued by the Governor; and such bonds as shall hereafter be issued in whole or part payment of the State's subscription in any work of internal improvement, shall also be issued by the Governor in the form of sterling bonds, payable thirty years after date, to the President and Directors of the Bank of Tennessee, at such place as they may designate, drawing interest at the rate of five per cent per annum, payable on the first Mondays of March and Sept., and the same shall be deposited in said bank, and shall be by said President and Directors negotiated as soon thereafter as the same can be done at par, and when so negotiated the several amounts thereof shall by the President and Directors of said bank be paid over to such boards or companies, to whom the same may be respectively due.

Mr. Jones of Hickman moved to lay said amendment on the table.

And thereupon the question was had and determined in the affirmative—ayes 15, noes 8. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Ashe, Balch, Frey, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Sevier, Smith, Walton, Warner, Wheeler and Yoakum—15.

Those who voted in the negative were

Messrs. Aiken, Brown, Gillespy, Love, Reneau, Terry, Turney and Speaker Coe—8.

And so said amendment was ordered to the table.

Mr. Aiken proposed the following amendment, to wit:

*Be it enacted*, That the river bonds in East Tennessee already issued be made sterling bonds.

And thereupon the question was had and determined in the negative—ayes 6, noes 17. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Gillespy, Love, Reneau, Terry and Turney—6.

The negative voters were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Sevier, Smith, Walton, Warner, Wheeler, Yoakum and Speaker Coe—17.

And so said amendment was rejected.

The question then recurred upon the passage of the bill, and being thereon had, it was determined in the affirmative—ayes 18, noes 4.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Brown, Frey, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Smith, Terry, Turney, Walton, Warner and Yoakum—18.

The negative voteres were

Messrs. Ashe, Gillespy, Love and Speaker Coe—4.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill granting letters of administration without security in certain cases, was taken up and read.

Mr. Jones of Lincoln moved that said bill be indefinitely postponed.

Mr. Aiken moved to strike from said bill, the first and second sections, which motion failed.

And thereupon the question was had on the motion of Mr. Jones of Lincoln to postpone indefinitely, which motion prevailed, and the bill was indefinitely postponed.

A bill to amend an act entitled, an act to incorporate the Lagrange and Memphis rail road company, passed Dec. 14, 1835; and the internal improvement acts of 1836 and '38 being read, Mr. Speaker Coe then on the floor, offered an amendment in lieu of the whole from the enacting clause.

To which Mr. Jones of Lincoln offered the following:

*Be it enacted*, That the bonds issued under the provisions of this act shall be issued in pursuance of an act passed the 19th of January, 1838, entitled an act to establish a State Bank to raise a fund for internal improvement, and to aid in the establishment of a system of education.

Said amendment was accepted by Mr. Coe, and said amendment accepted in lieu of the whole, and the bill read a second time and passed, ayes 11, noes 8.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Ashe, Brown, Gillespy, Laughlin, Love, Reneau, Smith, Turney, Wheeler and Speaker Coe—11.

Those who voted in the negative were

Messrs. Anderson, Balch, Frey, Jones of Lincoln, Marshall, Sevier, Warner and Yoakum—8.

So said bill passed its second reading.

A bill for the relief of Curtis Kennedy was read a second time and passed.

A bill making an appropriation to John C. M'Lemore for certain valuable record books now in the office of the Secretary of State, being read,

Mr. Yoakum offered an amendment thereto, providing that the allowance therein made should be applied to the payment of a judgment against the said M'Lemore in favor of the school fund, as one of the

securities of the late Joel Parrish, Cashier of the State Bank of Tennessee.

The said amendment was received.

Mr. Love moved further to amend by striking out the sum of "one thousand dollars' for the purpose of inserting 'two thousand dollars'—which failing, the said bill was read a second time and passed.

A bill to provide for the collection of demands due the State or bank of the State, or either, in which the State has an interest,

A bill for the relief of femes covert,

A bill to restore Isaac George to the rights and privileges of citizenship,

A bill supplemental to an act to charter the White's Creek Springs Company,

A bill for the relief of Robert Morris, clerk of the county court of Rutherford county, and

A bill directory to the Secretary of State, were each and severally read a second time and passed.

A bill for the relief of Benton county, was read and rejected.

A message from the House of Representatives by Mr. Crockett their Clerk.

Mr. Speaker: The House of Representatives concur with the resolution and report of the joint select committee on banks.

The Speaker of the House of Representatives did this day sign an enrolled act entitled an act to incorporate the Vanville rail road company.

And then he withdrew. Whereupon the Speaker of the Senate signed said enrolled act, and ordered it to be deposited in the office of the Secretary of State.

A bill to amend the militia laws of this State being read,

Mr. Gillespy offered an amendment thereto, and the same was rejected.

The question then recurred upon the passage of the bill, and being thereon had, it was rejected—ayes 9, noes 14.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Balch, Gillespy, Jones of Hickman, Jones of Lincoln, Marshall, Reneau, Turney, Warner and Yoakum—9.

Those who voted in the negative were

Messrs. Aiken, Anderson, Ashe, Brown, Frey, Hardwicke, Jennings, Laughlin, Love, Sevier, Smith, Walton, Wheeler and Mr. Speaker Coe—14.

And so said bill was rejected.

A bill to abolish the office of Superintendent of Public Instruction being read,

Mr. Wheeler moved to strike therefrom the fourth section thereof; which motion failed.

Mr. Jones of Lincoln thereupon moved to lay said bill on the table; which motion also failed.

The question then recurred upon the passage of the bill, and being thereon had, it was determined in the affirmative—ayes 15, noes 8.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Love, Sevier, Turney, Warner and Wheeler—15.

The negative voters were

Messrs. Frey, Laughlin, Marshall, Reneau, Terry, Walton, Yoakum and Speaker Coe—8.

And so said bill passed its second reading.

A bill to secure the provisions of an act passed the 19th day of January, 1838, entitled an act to establish a State Bank to raise a fund for internal improvement, and to aid in the establishment of a system of education, was read a second time.

The question was then had, Shall the bill pass? and determined in the affirmative—ayes 12, noes 11.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Frey, Gillespy, Jones of Hickman, Love, Marshall, Reneau, Terry, Turney, and Wheeler—12.

Those who voted in the negative were

Messrs. Brown, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Sevier, Smith, Walton, Warner, Yoakum and Speaker Coe—11.

And so said bill passed its second reading.

A bill to establish the Lagrange manufacturing Company being read a second time,

Mr. Jones of Lincoln offered the following as an amendment thereto, to wit:

The General Assembly may at any time alter, modify or repeal this act or any of its provisions.

And the sense of the Senate being thereon had, the said amendment was rejected.

Whereupon Mr. Jones of Lincoln offered the following:

The individual property of the stockholders of the company herein incorporated, shall be liable for the debts of the corporation.

Mr. Laughlin moved to amend said amendment by providing that the stockholders should only be bound to the amount of their stock;—which motion prevailed.

The question then recurred upon the acceptance of the amendment of Mr. Jones, and being thereon had, the said amendment was received—ayes 13, noes 10.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Balch, Gillespy, Jones of Hickman, Jones of Lincoln, Marshall, Smith, Walton, Warner, Wheeler and Yoakum—13.

Those who voted in the negative were

Messrs. Brown, Frey, Jennings, Laughlin, Love, Reneau, Sevier,

Terry, Turney and Speaker Coe—10. And so said amendment was adopted.

The said bill was thereupon read as amended a second time and passed, and then

The Senate adjourned.

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Tuesday Morning, Jan. 14, 1840.

Mr. Youkum from the committee on education and common schools introduced

A bill supplemental to an act passed Dec. 27, 1839, entitled, an act to regulate the receipt and disbursement of the common school monies, which was read a first time and passed.

Mr. Anderson submitted the following:

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the laws that when a minor having a guardian, dies, such guardian may settle off the debts of the minor, and make distribution of the personal estate of such minor among the next of kin, without the intervention of a personal representation.

And the rule being suspended requiring resolutions to lay one day on the table, the said resolution was therefore read and adopted.

Mr. Gillespy introduced

A bill to authorize bonds on the credit of the State to be issued by the Governor in the form of sterling bonds, which was read.

And thereupon Mr. Warner moved its indefinite postponement.

And thereupon the question was had and determined in the affirmative—ayes 13, noes 9. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Balch, Frey, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Sevier, Walton, Warner, Wheeler and Youkum—13.

The negative voters were

Messrs. Ashe, Brown, Gillespy, Love, Reneau, Smith, Terry, Turney and Speaker Coe—9.

So said bill was indefinitely postponed.

Mr. Turney moved a re-consideration of the vote rejecting the bill to increase the salaries of the supreme Judges.

The motion to re-consider the vote non-concurring with the amendment of the House of Representatives to the bill to protect the owners of mills in their just rights, was taken up for consideration and withdrawn for amendmeni by Mr. Jones of Hickman.

Mr. Terry withdrew for amendment, a bill to protect county creditors.

A bill to prevent the embezzelment of the public money, was taken up and read a third time, and on motion of Mr. Jones of Lincoln, was referred to the judiciary committee.

A bill to limit the power of corporations was taken up and read a

third time; and the question Shall the bill pass? being put, ir was determined in the affirmative—ayes 12, noes 10.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Wheeler and Yoakum—12.

Those who voted in the negative were,

Messrs. Anderson, Ashe, Brown, Frey, Marshall, Reneau, Sevier, Terry, Walton and Speaker Coe—10.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill to authorize the Secretary of State to seal and countersign certain grants, was read. Whereupon

Mr. Jones of Hickman proposed the following amendment, to wit:

*Be it enacted*, That upon it being made to appear to the satisfaction of the Secretary of State that any person or persons shall have laid or entered any genuine land warrant or certificate of warrant on any land, and obtained grants thereon, which lands appeared by the books of the entry taker of the connty wherein said land is situated to be vacant, and upon it being made to appear to the satisfaction of the Secretary that the said land had been before entered, and was not vacant as represented by the books of the entry taker of said county, all such cases it shall be the duty of the Secretary of State to issue to such person or persons duplicate of warrant or warrants for the amount of such warrant or warrants as laid or entered aforesaid.

Mr. Gillespy moved to lay said amendment on the table, which motion prevailed.

The question then recurred upon the passage of the bill, and being thereon had was determined in the affirmative—ayes 18.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Balch, Brown, Frey, Gillespy, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—18.

The negative voter was

Mr. Jones of Hickman—1.

So said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill to authorize the county court of Lincoln county to grant the privilege of building mills and factories in certain cases, was read a third time and passed, ordered to be engrossed and transmitted to the House of Representatives.

A bill to provide for the reduction of the State debt was read a third time and passed—ayes 14, noes 7.

The ayes and noes being required by the constitution, those who voted in the affirmative were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gillespy, Jennings,

Jones of Lincoln, Marshall, Sevier, Terry, Walton, Wheeler and Yoakum—14.

Those who voted in the negative were

Messrs. Jones of Hickman, Laughlin, Love, Reneau, Turney, Warner and Speaker Coe—7.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill from the House of Representatives to make penal the misuse or misapplication of the public funds, was taken up and read, and on motion of Mr. Jones of Lincoln, referred to the committee on the judiciary.

A bill to amend the law in relation to executors and administrators was read, and thereupon

Mr. Marshall proposed an amendment, which was accepted.

The bill was thereupon read as amended a third time and passed—ayes 21.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Baleh, Brown, Frey, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Terry, Walton, Warner, Wheeler, Yoakum and Speaker Coe—21.

Mr. Turney voting in the negative—1.

And so said bill passed its third reading, ordered to be engrossed and transmitted to the House of Representatives.

A bill requiring the distribution of the common school monies of Davidson, Rutherford and Bedford counties, was read, and on motion of Mr. Frey, the last section of said bill was stricken out.

And thereupon the question was had and determined in the affirmative—ayes 16, nays 3. The ayes and noes being demanded, the affirmative voters were

Messrs. Anderson, Baleh, Frey, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Terry, Walton, Warner, Wheeler, Yoakum and Speaker Coe—16.

Those who voted in the negative were

Messrs. Aiken, Brown and Jones of Hickman—3.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A message from the House of Representatives by Mr. Crockett their clerk.

Mr. Speaker: The Speaker of the House of Representatives did this day sign an enrolled act, entitled an act for the benefit of occupant settlers south and west of the Congressional reservation line.

And then he withdrew. Whereupon the Speaker of the Senate signed the said enrolled act, and ordered it to be deposited in the office of the Secretary of State.

A bill to repeal all laws authorizing the collection of damages on protested bills of exchange, was amended on motion of Mr. Gillespy, read a third time and passed—ayes 13, noes 6.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Love, Marshall, Turney, Warner, Wheeler, Yoakum and Speaker Coe—13.

Those who voted in the negative were

Messrs. Brown, Frey, Jones of Hickman, Reneau, Terry and Walton—6.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill to establish a branch of the Bank of Tennessee in each Senatorial district of this State, being read,

Mr. Walton moved to amend by striking therefrom the words 'Senatorial district,' for the purpose of inserting in lieu the words 'Congressional district.'

And thereupon the question was had and determined in the negative—ayes 11, noes 12. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Hardwicke, Jones of Hickman, Laughlin, Love, Terry, Turney, Walton, Wheeler, Yoakum and Speaker Coe—11.

The negative voters were,

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gillespy, Jones of Lincoln, Marshall, Reneau, Sevier, Smith and Warner—12.

And so said motion was rejected.

Mr. Turney thereupon offered the following as an amendment to the said bill, to wit:

*Be it enacted*, That the principal Bank of Tennessee shall be moved from Nashville to Lebanon, in the county of Wilson.

Mr. Aiken moved to lay said amendment on the table.

And thereupon the question was had, and determined in the affirmative—ayes 18, noes 5. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Brown, Frey, Gillespy, Hardwicke, Jones of Hickman, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Terry, Walton, Warner and Speaker Coe—18.

The negative voters were

Messrs. Balch, Jones of Lincoln, Turney, Wheeler and Yoakum—5.

So said amendment was ordered to the table.

Mr. Gillespy thereupon offered an amendment providing that the President and Directors of the Bank of Tennessee shall curtail their discounts and accommodations at the principal bank and branches until such loans and accommodations shall not exceed the amount to which they are entitled, as in this act designated, upon the basis of the qualified voters in each district.

And the sense of the Senate being thereon had, the said amendment was rejected.

On motion of Mr. Marshall, said bill was ordered to the table.

A bill to provide for the collection of demands due the State, or due

the Bank of Tennessee, or other demands in which the State has an interest, was read a third time.

Mr. Yoakum moved the following amendment, to wit:

*Be it enacted*; That suits may be commenced and prosecuted under this act, either by motion or otherwise.

And the sense of the Senate being thereon had, the said amendment was rejected.

Mr. Jones of Hickman offered the following as an amendment, to wit:

*Be it enacted*, That it shall be the duty of the Governor to order suit to be commenced on behalf of the State against the Cashier of the Branch of the Bank of Tennessee located at Columbia, for the recovery of the notes or money lately taken from said branch.

In lieu of which Mr. Jones of Lincoln offered the following, to wit:

*Be it enacted*, That it shall be the duty of the President of the Bank of Tennessee, to direct suit to be brought against the cashier of the Columbia branch of said bank at Columbia and his securities, for the amount of money reported in the suspense account of said branch. Which was accepted.

And the question being thereon had, said amendment was adopted. And the question 'shall the bill pass?' being thereon had it was determined in the affirmative—ayes 22.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Frey, Gillespy, Hardwicke, Jones of Hickman. Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—22.

And so said bill passed its third reading was ordered to be engrossed and transmitted to the House of Representatives.

A bill to incorporate the Clarksville fire insurance and life and trust company was taken up and read a third time.

Mr. Yoakum move to strike out the 18th section, which motion failed.

Mr. Jones of Lincoln moved to strike from the first section the word 'perpetual,' which motion prevailed.

Mr. Yoakum thereupon offered the following amendment, to wit:

*Be it enacted*, That said insurance company shall report to each regular session of the legislature during the first week of the session, the amount and kind of property they shall have insured during the preceding two years, the amount of premiums they may have received; the amount of stock paid in; the amount of dividends declared; and the liabilities and resources of the company.

*Be it enacted*, That the legislature at all times have the right by committee or otherwise to examine the books of said company.

Mr. Gillespy offered an amendment to the amendment of Mr. Yoakum's as follows:

*Be it enacted*, That the Governor shall subscribe on behalf of the State for one third of the stock in said company, and the State shall be entitled to a proportionable part of the dividends that may be declared.

Mr. Anderson moved the previous question, which motion was sustained—ayes 12, noes 10.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Laughlin, Marshall, Reneau, Sevier, Smith, Walton and Speaker Coe—12.

The negative voters were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Love, Turney, Warner and Yoakum—10.

So said call for the previous question was sustained.

The question 'shall the bill pass?' was then put and determined in the affirmative—ayes 17, noes 5.

The ayes and noes being demanded the affirmative voters were

Messrs. Aiken, Anderson, Ashe, Brown, Frey, Gillespy, Hardwicke, Jennings, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Turney, Walton and Speaker Coe—17.

The negative voters were,

Messrs. Balch, Jones of Hickman, Jones of Lincoln, Warner and Yoakum—5.

And so said bill passed its third and last reading, ordered to be engrossed and transmitted to the House of Representatives.

A bill concerning the property of trustees in certain cases, was read a third time and passed—ayes 21, noes 1.

The ayes and noes being demanded the affirmative voters were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Smith, Turney, Walton, Warner, Yoakum and Speaker Coe—21.

Mr. Sevier voting in the negative.

And said bill passed its third and last reading, ordered to be engrossed and transmitted to the House of Representatives.

Mr Aiken moved to take up, a bill to establish a branch of the Bank of Tennessee in each Senatorial district in this State, which motion failed—ayes 10, noes 12.

The ayes and noes being demanded the affirmative voters were

Messrs, Aiken, Anderson, Ashe, Balch, Brown, Gillespy, Jones of Hickman, Reneau, Sevier and Yoakum—10.

Those who voted in the negative were

Messrs. Frey, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Love, Marshall, Smith, Turney, Walton, Warner and Mr. Speaker Coe—12.

So said motion failed.

A bill to regulate the salaries of the officers of the Bank of Tennessee, was taken up and read.

Mr. Jones of Lincoln moved to fill the blank with 'two thousand dollars, as the salary of the president of the principal bank, which motion failed. And on motion of Mr. Aiken said bill was ordered to the table.

A bill to secure the provisions of an act passed the 19th of January 1838, entitled an act to establish a State Bank to raise a fund for in-

ternal improvement, and to aid in the establishment of a system of education being read a third time,

Mr. Jones of Hickman offered an amendment in addition to the fourth section, to wit:

And who shall take an oath faithfully and honestly to discharge all duties required of them as agents aforesaid. And the sense of the Senate being thereon had, said amendment was accepted.

Mr. Jones of Lincoln thereupon offered the following as an amendment to said bill, to wit:

The several agents in the different counties as provided for in this act shall redeem with gold and silver coin all the notes of the bank on presentation and demand.

Mr. Turney moved to lay said amendment on the table.

And thereupon the question was had and determined in the negative, ayes 11, noes 12. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Brown, Frey, Jones of Hickman, Reneau, Sevier, Turney, Wheeler and Yoakum—11.

The negative voters were

Messrs. Ashe, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Love, Marshall, Smith, Walton, Warner and Mr. Speaker Coe—12.

So said motion failed.

Mr. Gillespy, offered an amendment to the amendment of Mr. Jones of Lincoln.

Provided such notes shall on the face thereof be made payable at such agency, which was accepted.

The question then recurred upon the adoption of said amendment as a part of the bill, and being had, the same was adopted.

Mr. Jennings thereupon offered an amendment in lieu of the whole from the enacting clause.

During the pendency of which the Senate adjourned.

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Wednesday Morning, Jan. 15, 1840.

Mr. Jennings moved a suspension of the 21th rule of the Senate; which motion prevailing,

Mr. Jennings moved a reconsideration of the vote rejecting the bill to establish and carry into operation the Lunatic Assylum.

And thereupon the question was had and determined in the affirmative—ayes 13, noes 8. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Ashe, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Reneau, Sevier, Smith, Walton and Warner—13.

The negative voters were

Messrs. Anderson, Balch, Jones of Hickman, Love, Terry, Turney, Wheeler and Speaker Coe—8.

And so said vote was reconsidered.

Whereupon Mr. Jennings moved that said bill be laid upon the table and made the order of to-night's session: which motion prevailed.

Mr. Jennings submitted the following, to wit:

*Resolved by the General Assembly of the State of Tennessee*, That the following amendments to the Constitution of the State, be proposed in manner and form as directed in the third section of the 11th article of said Constitution:

ARTICLE I.

The State of Tennessee shall not hereafter become the sole proprietor of a Bank, nor a partner in any project or business with any individual, or number of individuals, nor with any corporation.

ARTICLE II.

Except in cases where the faith of the State is already pledged, no monies shall be raised in future on the credit of the State, by any form of loan, neither by books opened for subscription, nor by the issuance of bonds, nor in any other manner whatever, unless such money be necessary for the defence of the State in case of threatened invasion or of war actually commenced.

Mr. Laughlin submitted the following:

*Resolved*, That the committee on education and common schools be instructed to enquire into the expediency of vesting in the boards of Common School Commissioners in different counties of the State, the power, under the direction of the Superintendent of Public Instruction, to settle and compromise all disputed claims, or bad or doubtful debts due to the bank of the State of Tennessee, or to any other person or corporation in which the common school have an interest; and that a discretionary power be given said board under said direction, to compromise said claims and debts upon such terms as they may think best; and that said committee report by bill or otherwise.

And the rule requiring resolutions to lay one day on the table being suspended, the said resolution was read and adopted.

Mr. Jones of Lincoln introduced a bill directing the Secretary of State, when any person or persons has laid or entered any genuine land warrant or certificate of warrant, and obtained grants thereon, on any land appearing by the books of the entry taker of the county wherein the same may be situated to be vacant, to issue to such person or persons duplicate warrants for the amount of such warrant or certificate of warrant. Which was read a first time and passed.

Mr. Coe introduced

A bill to amend and explain the law in relation to Notaries Public. Which was read a first time and passed, and referred to the judiciary committee.

On motion of Mr. Hardwicke,

*Ordered*, That the petition of sundry citizens (mechanics) remonstrating against the mode of employing the inmates of the Penitentiary, be referred to the committee on the Penitentiary.

The petition of sundry citizens of Carroll county, remonstrating against the acts and doings of the present General Assembly (from the

House of Representatives) was taken up and read, and referred to the committee of ways and means.

Mr. Terry presented the petition of sundry citizens, praying that the line between White and De Kalb counties may be permanently established; which was read and ordered to the table.

The Senate resumed the consideration of the amendment of Mr. Jennings to the bill to secure the provisions of an act passed the 19th of January, 1838, entitled an act to establish a State Bank to raise a fund for internal improvement, and to aid in a system of education.

Mr. Speaker Coe being on the floor, offered an amendment in lieu of the amendment of Mr. Jennings, and of the original bill from the enacting clause, "providing for the location of a Branch of the Bank of Tennessee at Sparta in the county of White, for the counties of Van Buren, Warren, DeKalb, Jackson, Overton, Fentress, Bledsoe and White."

Mr. Gillespy moved to strike out the second and third sections of the original bill, which motion prevailed.

Mr. Anderson moved to lay the amendment offered by Mr. Coe on the table.

And thereupon the question was had and determined in the negative—ayes 10, noes 14. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Balch, Gillespy, Jones of Hickman, Reneau, Turney, Wheeler and Yoakm—10.

Those who voted in the negative were

Messrs. Brown, Frey, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Love, Marshall, Sevier, Smith, Terry, Walton, Warner and Speaker Coe—14.

So said motion to lay on the table was not sustained.

Mr, Anderson thereupon moved to lay the said amendment offered by Mr. Jennings on the table, which motion prevailed—ayes 13, noes 11.

The ayes and noes being demanded, the affirmative voters were

Messrs. Aiken, Anderson, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Love, Reneau, Terry, Walton, Wheeler and Yoakum—13.

Those who voted in the negative were

Messrs. Ashe, Brown, Frey, Jennings, Laughlin, Marshall, Sevier, Smith, Turney, Warner, and Speaker Coe—11.

So said amendment was laid on table.

Mr. Yoakum thereupon offered an amendment in lieu of the amendment of Mr, Coe's, "providing that the Bank of Tennessee should have but two branches, one in East Tennessee, and one in the Western District. And providing that the capital stock of the bank shall be divided in proportion to the qualified vorers of each division of the State; and providing also that the mother bank shall be located at M'Minnville in the county of Warren. And that the branches shall go into operation on or before the first Monday of April next.

Mr. Anderson moved to lay said amendment on the table.

And thereupon the question was had and determined in the affirma-

tive—ayes 20, noes 3. The ayes and noes being demanded, those who voted in the affirmative were

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Love, Marshall, Reneau, Sevier, Smith, Terry, Turney, Walton, Warner, Wheeler, and Mr. Speaker Coe—20.

Those who voted in the negative were

Messrs. Jones of Lincoln, Laughlin and Yoakum—3.

So said amendment was ordered to the table.

Mr. Wheeler thereupon offered an amendment to the original bill, "providing for the establishment of a branch of said bank at Sparta in the county of White.

Mr. Coe moved to lay said amendment on the table.

And thereupon the question was had and determined in the affirmative—ayes 18, noes 5. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Brown, Frey, Hardwicke, Jennings, Jones of Hickman, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Turney, Walton, Warner, and Speaker Coe—18.

The negative voters were

Messrs. Gillespy, Jones of Lincoln, Terry, Wheeler and Yoakum—5.

So said amendment was ordered to the table.

Mr. Wheeler thereupon offered an amendment to that of Mr. Coe's providing for the removal of the Branch of the Bank of Tennessee at Columbia, to the town of Sparta in the county of White.

Mr. Jennings moved to lay said amendment on the table.

And thereupon the question was had and determined in the negative—ayes 11, noes 11. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Brown, Hardwicke, Jennings, Jones of Hickman, Love, Marshall, Sevier, Smith, Warner and Speaker Coe—11.

The negative voters were,

Messrs. Aiken, Anderson, Balch, Gillespy, Jones of Lincoln, Laughlin, Reneau, Terry, Walton, Wheeler and Yoakum—11.

So said motion failed.

The question then recurred upon the adoption of the said amendment in lieu of Mr. Speaker Coe's, and being thereon had was determined in the negative—aye 8, noes 15.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Jones of Lincoln, Reneau, Terry, Wheeler and Yoakum—8.

Those who voted in the negative were

Messrs. Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Laughlin, Love, Marshall, Sevier, Smith, Turney, Walton, Warner and Speaker Coe—15.

And so said amendment was rejected.

The question then recurred upon the adoption of Mr. Speaker Coe's amendment in lieu of the original bill, and being had thereon, it was determined in the affirmative—ayes 16, noes 7.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Brown, Frey, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Love, Marshall, Sevier, Smith, Terry, Turney, Walton, Warner, Yoakum and Speaker Coe—16.

The negative voters were

Messrs. Aiken, Anderson, Balch, Gillespy, Jones of Hickman, Reneau and Wheeler—7.

So said amendment was adopted in lieu of said original bill.

Mr. Coe then moved to amend the caption of said bill by altering it so as to read, a bill to establish a Branch of the Bank of Tennessee at Sparta in the county of White, which motion prevailed.

The said bill was thereupon read a third time and passed—ayes 23.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—23.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Warner presented the petition of Thomas O. Hunter of Marshall county, which was read and referred on his motion to the committee on land claims.

Mr. Speaker Coe presented a tabular statement from William Nichol, President of the Bank of Tennessee, made in obedience to a resolution adopted by the Senate on the 11th inst. showing the amount of interest paid on internal improvement and bank bonds issued by the State of Tennessee; which was read and ordered to the table.

Then the Senate adjourned.

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Thursday Morning, Jan. 16, 1840.

Mr. Yoakum, from the committee on public lands, to whom was referred a resolution refering grant No. 3336 to the Secretary of State for adjudication, reported that the committee have had the same under consideration, believe its object manifestly just, and recommend its adoption.

On motion of Mr. Gillespy, said report was ordered to the table.

Mr Wheeler presented the petition of sundry citizens of the town of Tazwell, and on his motion said petition was referred to the judiciary committee.

A bill to carry into operation the lunatic hospital was taken up and read.

Mr. Laughlin moved to fill the blank in the 16th section with the sum of $4500; which motion prevailed.

The question then recurred upon the passage of the bill, and being thereon had, it was determined in the affirmative—ayes 12, noes 10.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Brown, Frey, Jennings, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Smith, Walton, Warner and Yoakum—12.

Those who voted in the negative were

Messrs. Anderson, Ashe, Balch, Gillespy, Jones of Hickman, Love, Terry, Turney, Wheeler and Speaker Coe—10.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill supplemental to three acts of Assembly passed at the present session of this General Assembly, for the relief of Erby Boyd, James Spencer and Thomas Shirley, was read a second time and passed.

Mr. Turney returned a bill to extend the charter of the Paint mountain turnpike company, with an amendment thereto, providing that John Ross may alter or change his road in any manner he may see proper, provided he does not alter or change the destinations of said road; which amendment was adopted—ayes 14, noes 6.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Balch, Brown, Frey, Gillespy, Jones of Hickman, Laughlin, Love, Reneau, Sevier, Smith, Turney, Walton and Speaker Coe—14.

Those who voted in the negative were

Messrs. Jones of Lincoln, Marshall, Terry, Warner and Yoakum—6.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill directory to the Secretary of State was amended on motion of Messrs. Laughlin, Smith and Gillespy, and read a third time as amended and passed—ayes 13, noes 10.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Smith, Yoakum and Speaker Coe—13.

The negative voters were

Messrs. Anderson, Ashe, Balch, Jones of Hickman, Sevier, Terry, Turney, Walton, Warner and Wheeler—10.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill for the relief of femes covert was read a third time and rejected—ayes 8, noes 13.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Ashe, Brown, Frey, Gillespy, Jennings, Jones of Lincoln, Terry and Turney—8.

Those who voted in the negative were

Messrs. Anderson, Balch, Hardwicke, Jones of Hickman, Love, Marshall, Reneau, Smith, Walton, Warner, Wheeler, Yoakum and Speaker Coe—13.

And so said bill was rejected.

A bill for the relief of Curtis Kennedy was read a third time and passed—ayes 17, noes 5.

The ayes and noes being required, those who voted in the affirmative were,

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gillespy, Hardwicke, Jennings, Love, Reneau, Sevier, Smith, Terry, Turney, Warner, Yoakum and Speaker Coe—17.

Those who voted in the negative were

Messrs. Jones of Hickman, Jonesof Lincoln, Marshall, Walton and Wheeler—5.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill to regulate the salaries of the officers of the Bank of Tennessee and branches, was read.

Mr. Jennings moved to fill the blank, as provides the salary for the President of the principal bank, with the sum of $2500.

And thereupon the question was had and determined in the negative—ayes 4, noes 18. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Frey, Jennings, Marshall and Smith—4.

The negative voters were

Messrs. Ashe, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Love, Reneau, Sevier, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—18.

So said motion failed.

Mr. Anderson moved to fill said blank with $2000.

And thereupon the question was had and determined in the negative, ayes 8, noes 15. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Hardwicke, Jennings, Marshall, Sevier, Smith and Walton—8.

Those who voted in the negative were

Messrs. Balch, Brown, Frey, Gillespy, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Terry, Turney, Warner, Wheeler, Yoakum and Speaker Coe—15.

So said motion failed.

Mr. Jones of Lincoln moved to fill said blank with the sum of $1800.

And thereupon the question was had and determined in the affirmative—ayes 12, noes 11. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Ashe, Hardwicke, Jennings, Jones of Lincoln,

Laughlin, Marshall, Sevier, Smith, Walton, Warner and Mr. Speaker Coe—12.

Those who voted in the negative were

Messrs. Balch, Brown, Frey, Gillespy, Jones of Hickman, Love, Reneau, Terry, Turney, Wheeler and Yoakum—11.

And so said blank was filled with the sum of $1800.

Mr. Smith moved that the blank be filled with $2500 as the salary of the cashier of the principal Bank.

And thereupon the question was had and determined in the negative—ayes 4, noes 19. The ayes and noes being demanded, the affirmative voters were

Messrs. Jennings, Marshall, Smith and Yoakum—4.

Those who voted in the negative were

Messrs. Anderson, Ashe, Balch, Frey, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Sevier, Terry, Turney, Walton, Warner, Wheeler and Speaker Coe—19.

So said motion failed.

Mr. Jones of Lincoln moved to fill said blank with the sum of two thousand dollars.

And thereupon the question was had and determined in the negative, ayes 10, noes 13. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Frey, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Marshall, Sevier, Smith, Yoakum and Speaker Coe—10.

Those who voted in the negative were

Messrs. Anderson, Ashe, Balch, Brown, Gillespy, Jones of Hickman, Love, Reneau, Terry, Turney, Walton, Warner and Wheeler—13.

And so said motion failed.

Mr. Turney moved to fill said blank with the sum of $1800.

And thereupon the question was had and determined in the affirmtive—ayes 13, noes 10. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Frey, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Love, Sevier, Turney, Walton, Warner and Yoakum—13.

The negative voters were

Messrs. Balch, Brown, Gillespy, Jones of Hickman, Marshall, Reneau, Smith, Terry, Wheeler and Speaker Coe—10.

And so said blank was filled with the sum of $1800.

Mr. Jones of Lincoln moved to fill the blank with $1500 as the salary of the teller of the principal bank, which motion failed.

Mr. Love moved to fill said blank with the sum of $1200; which motion prevailed, and the said blank was filled with the sum of twelve hundred dollars.

Mr. Turney moved to fill the blanks with the sum of $1000 as the salaries of the clerks of the principal bank; which motion prevailed;—and said blanks were filled with the sum of $1000.

Mr. Jones of Lincoln moved to fill the blank as salary for the Presi-

dents of the branches of said bank, with the sum of $500; which motion failed—ayes 10, noes 12.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Frey, Jennings, Jones of Lincoln, Marshall, Reneau, Sevier, Smith, Walton, Warner, and Speaker Coe—10.

Those who voted in the negative were

Messrs. Ashe, Balch, Brown, Gillespy, Hardwicke, Jones of Hickman, Laughlin, Love, Terry, Turney, Wheeler and Yoakum—12.

And so said motion failed.

Mr. Reneau then moved to fill the said blank with the sum of $400; which motion prevailed. And so said blank was filled with the sum of four hundred dollars.

Mr. Gillespy offered the following to wit:

The Presidents of the Branch Banks shall receive each, a salary to be fixed by the President and Directors of the principal Bank nto to exceed five hundred dollars.

And the question being had thereon it was rejected—ayes 10; noes 13.

The ayes and noes being demanded, the affirmative voters were

Messrs. Anderson, Gillespy, Jones of Lincoln, Marshall, Reneau, Sevier, Smith, Walton, Yoakum and Speaker Coe—10.

Those who voted in the negative were

Messrs. Ashe, Balch, Brown, Frey, Hardwicke, Jennings, Jones of Hickman, Laughlin, Love, Terry, Turney, Warner and Wheeler—13.

And so said amendment was rejected.

Mr. Sevier moved to fill the blank as salary of the Cashiers of the branches of said bank with the sum of $1200; which motion failed—ayes 10, noes 13.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Brown, Frey, Jennings, Marshall, Reneau, Sevier, Smith, Warner, Yoakum and Speaker Coe—10.

The negative voters were

Messrs. Anderson, Ashe, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Terry, Turney, Walton and Wheeler—13.

And so said motion failed.

Mr. Turney then moved to fill said blank with the sum of $1000—which motion prevailed. And so said blank was filled with one thousand dollars.

Mr. Smith moved that the blank be filled with $700 as the salaries of the clerks of the branches of said bank.

And thereupon the question was had, and determined in the affirmative—ayes 4, noes 18. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Marshall, Reneau, Sevier and Smith—4.

The negative voters were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Terry,

Turney, Walton, Wheeler, Yoakum and Speaker Coe—18.

And so said motion was rejected.

Mr. Sevier then moved to fill said blank with the sum of 'six hundred dollars,' which motion also failed.

Mr. Love moved to fill said blank with the sum of five hundred dollars, and the question being thereon had, said resolution prevailed.—And so said blank was filled with the sum of five hundred dollars.

Mr. Jones of Hickman moved to strike out so much of said bill as authorizes the employment of a teller at the principal bank, which motion failed.

Mr. Jones of Hickman then offered the following, to wit:

*Be it enacted*, That it shall not be lawful for a greater number of officers to be employed at any Branch of the Bank of Tennessee except the Directors, than one President, one Cashier and one Clerk. And it shall not be lawful for the principal bank of Tennessee to have a greater number than one Cashier, one Teller, one President and two Clerks.

Mr. Love moved to amend said amendment by striking out "two" and inserting "three clerks," which motion prevailed.

And thereupon the question was had on she adoption of the amendment offered by Mr. Jones of Hickman and determined in the negative—ayes 11, noes 12.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Balch, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Turney, Walton, Wheeler and Yoakum—11.

Those who voted in the negative were

Messrs. Anderson, Brown, Frey, Gillespy, Jennings, Marshall, Reneau, Sevier, Smith, Terry, Warner and Speaker Coe—12.

And so said amendment was rejected.

Mr. Brown offered an amendment in lieu of the whole from the enacting clause, "providing that the salaries of all the officers of the Bank of Tennessee, be reduced one fourth from the present sums."

And thereupon the question was had and determined in the negative, ayes 8, noes 15. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Brown, Jennings, Marshall, Reneau, Sevier, Smith and Speaker Coe—8.

Those who voted in the negative were

Messrs. Ashe, Balch, Frey, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Terry, Turney, Walton, Warner, and Yoakum—15.

So said amendment was rejected.

Whereupon Mr. Laughlin moved a re-consideration of the vote on said amendment of Mr. Brown's, which motion prevailed.

Mr. Gillespy moved a re-consideration of the vote rejecting the amendment offered by Mr. Jones of Hickman, which motion prevailed.

And thereupon the question was had on the adoption of said amendment, and it was adopted.

The question then recurred upon the amendment of Mr. Brown's in

lieu of the original bill, which being had, said amendment was rejected.

The question then "shall the bill pass?" being put, it was determined in the affirmative—ayes 12 noes 9.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Balch, Gillespy, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Turney, Walton, Warner, Wheeler and Yoakum—12.

Those who voted in the negative were

Messrs. Brown, Frey, Hardwicke, Jennings, Marshall, Reneau, Sevier, Smith and Speaker Coe—9.

And so said bill passed its third reading, ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up on its third reading a bill for the relief of Robert S. Morris, Clerk of the county court of Rutherford county, which was read and passed—ayes 18.

The ayes and noes being demanded the affirmative voters were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Smith, Walton, Warner, Wheeler, Yoakum and Speaker Coe—18.

And so said bill passed its third and last reading, ordered to be engrossed and transmitted to the House of Representatives.

A bill to authorize Allen White to open a turnpike road in Warner and Marion counties,

A bill to extend certain privileges to the owners of iron works,

A bill to incorporate an academy in the county of Claiborne to be called the Powells Valley Male Academy.

A bill to explain an act passed Jan. 1838 ch. 109.

A bill supplemental to an act passed Jan. 19th 1838, to charter the White, Creek Springs Company, And

A bill to restore Isaac George to the right of citizenship; all of which were severally read a third time and passed, ordered to be engrossed and transmitted to the House of Representatives.

A bill to prevent frauds in entering land previously appropriated, was read a third time and passed—ayes 21.

The ayes and noes being demanded the affirmative voters were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Sevier, Smith, Turney, Walton, Warner, Wheeler, and Speaker Coe—21.

And said bill passed its third and last reading, ordered to be engrossed and transmitted to the House of Representatives.

A bill making compensation to John C. M'Lemore for certain valuable record books now in the Secretary's office, was taken up and read,

Mr. Jones of Lincoln moved to amend said bill by striking out the proviso requiring the Secretary of State to pay one half of the fee required to be paid into the Treasury: which amendment was adopted.—and thereuson the bill passed its third reading—ayes 14, noes 8.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Ashe, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Love, Smith, Turney, Walton and Speaker Coe—14. Those who voted in the negative were,

Messrs. Anderson, Balch, Jones of Hickman, Reneau, Sevier, Warner, Wheeler and Yoakum—8.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill to reappoint Dr. Gerard Troost to the office of geologist, mineralogist and assayer of the State of Tennessee, was read.

Mr. Jones of Lincoln moved to strike out from the second section 'one thousand dollars as the compensation of said Geologist,' &c. and insert in lieu thereof 'five hundred dollars;' which amendment was agreed to, and thereupon the bill passed—ayes 13, noes 10.

The ayes and noes being required by the constitution, those who voted in the affirmative were

Messrs. Aiken, Ashe, Brown, Frey, Gillespy, Jennings, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Smith and Yoakum—13.

The negative voters were

Messrs. Anderson, Balch, Hardwicke, Jones of Hickman, Love, Terry, Turney, Warner, Wheeler and Speaker Coe—10.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill to incorporate the Memphis manufacturing company was read a third time and passed—ayes 14, noes 8.

The ayes and noes being demanded, those who voted in the affirmative, were

Messrs. Aiken, Anderson, Ashe, Brown, Frey, Gillespy, Jennings, Laughlin, Love, Reneau, Sevier, Terry, Turney and Speaker Coe—14.

The negative voters were,

Messrs. Balch, Jones of Hickman, Jones of Lincoln, Marshall, Walton, Warner, Wheeler and Yoakum—8.

And so said bill passed its third reading was ordered to be engrossed and transmitted to the House of Representatives.

A bill to amend an act entitled, an act to incorporate the Lagrange and Memphis rail road company, passed Dec. 14, 1835, and the internal improvement acts of 1836 and 1837, was read a third time and rejected—ayes 10, noes 12.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Brown, Gillespy, Jennings, Laughlin, Love, Reneau, Smith, Turney, Wheeler and Speaker Coe—10.

The negative voters were

Messrs. Anderson, Balch, Frey, Hardwicke, Jones of Hickman, Jones of Lincoln, Marshall, Sevier, Terry, Walton, Warner and Yoakum—12.

And so said bill was rejected.

A bill to increase the salaries of the Supreme Court Judges hereafter to be elected, was read a third time, and on motion of Mr. Anderson, was indefinitely postponed—ayes 13, noes 9.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Balch, Frey, Gillespy, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Terry, Walton, Warner and Wheeler—13.

The negative voters were

Messrs. Brown, Hardwicke, Jennings, Marshall, Sevier, Smith, Turney, Yoakum and Speaker Coe—9.

And so said bill was indefinitely postponed.

A bill from the House of Representatives, entitled a bill to incorporate the Tazewell and Sevierville Turnpike Company, was taken up and read.

Mr. Yoakum moved to strike out the second section of said bill—which motion failed.

Mr. Walton moved to strike out the twelfth section of said bill, which motion prevailed.

Mr. Jones of Hickman thereupon offered the following amendment, to wit:

*Be it enacted*, That a majority of the justices of the peace in each of the counties through which said road is hereby intended to run, shall by a vote entered on the minutes of the county courts respectively, assent to the rights and privileges granted in this act, otherwise said road shall not be located in either county, as contemplated in this act.

Mr. Reneau moved to lay said amendment on the table; which motion prevailed.

The question then recurred upon the passage of the bill, and the question 'shall the bill pass?' being put, it was determined in the negative—ayes 10, noes 13.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Brown Frey, Gillespy, Jennings, Reneau, Terry and Speaker Coe—10.

Those who voted in the negative were

Messrs. Balch, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Sevier, Smith, Turney, Walton, Warner, Wheeler and Yoakum—13.

So said bill was rejected, and then

The Senate adjourned.

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Friday Morning, Jan. 17, 1840.

Mr. Marshall from the committee on the judiciary, to whom was referred a bill to explain and amend the law in relation to notaries public, reported that the committee have had the same under consideration, and had instructed him to recommend the striking therefrom the preamble thereto, and with that amendment to recommend its passage.—The said report was concurred with, the bill read a second time and passed.

Mr. Jones of Lincoln from the judiciary committee, to whom was referred, a bill from the House of Representatives to make penal the misuse or misapplication of the public money, reported that the committee have had the same under consideration, and had instructed him to recommend the striking from the same, the proviso to the third section, and with that amendment to recommend its passage.

Mr. Turney moved to amend the said proviso by striking out the words, "when called on," which motion prevailed.

And thereupon the question was had upon a concurrence with the report of the committee proposing to strike out the proviso in said bill, and decided in the negative—ayes 12, noes 12.

The ayes and noes being demanded the affirmative voters were

Messrs. Aiken, Balch, Frey, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Wheeler and Yoakum—12.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Jennings, Reneau, Sevier, Smith, Terry, Turney, Walton, Warner and Speaker Coe—12.

So said report was non-concurred with.

Mr. Gillespy offered an amendment in lieu of the whole.

Mr. Yoakum offered an amendment in lieu of the bill and amendment, which was rejected—ayes 10, noes 14.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Balch, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Yoakum and Speaker Coe—10.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Gillespy, Jennings, Love, Marshall, Reneau, Sevier, Terry, Walton, Warner and Wheeler—14.

So said amendment was rejected.

The question then recurred upon the amendment of Mr. Gillespy, and being thereon had said amendment was adopted—ayes 14, noes 10.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Brown, Frey, Gillespy, Jennings, Love, Laughlin, Marshall, Reneau, Sevier, Smith, Terry, Walton and Warner—14.

Those who voted in the negative were

Messrs. Aiken, Ashe, Balch, Hardwicke, Jones of Hickman, Jones of Lincoln, Turney, Wheeler, Yoakum and Speaker Coe—10.

So said amendment was adopted.

Thereupon the question was had upon the passage of the bill, and determined in the affirmative—ayes 18, noes 6.

The ayes and noes being demanded, the affirmative voters were

Messrs. Aiken, Anderson, Ashe, Brown, Frey, Gillespy, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Walton, Warner, Wheeler and Speaker Coe—18.

The negative voters were

Messrs. Balch, Hardwicke, Jennings, Terry, Turney and Yoakum 6.

So said bill passed its first reading.

Mr. Marshall from the judiciary committee, to whom was referred a bill to amend an act to increase the jurisdiction of Justices of the peace, reported that the committee have had the same under consideration, and had instructed him recommend the striking out the sum of "five hundred dollars," and insert "seventy-five dollars." Said amendment was concurred with.

The committee also recommended sundry other amendments, which were on motion of Mr. Jones of Lincoln ordered to the table—ayes 13. noes 11.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Balch, Hardwicke, Jones of Hickman, Jones of Lincoln, Sevier, Smith Terry, Walton, Warner Wheeler and Yoakum—13.

The negative voters were,

Messrs. Aiken, Brown, Frey, Gillespy, Laughlin, Love, Marshall, Reneau, Turney and Speaker Coe—11.

So said amendments were ordered to the table.

Mr. Turney moved to amend said bill by "providing that defendants may take an appeal without giving security."

And thereupon the question was had and determined in the affirmative—ayes 18, nays 6. The ayes and noes being demanded, the affirmative voters were

Messrs. Aiken, Ashe, Balch, Brown, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Terry, Turney, Wheeler and Speaker Coe—18.

Those who voted in the negative were

Messrs. Anderson, Frey, Jones of Hickman, Walton, Warner and Yoakum—6.

So said amendment was adopted.

Mr. Smith moved a re-consideration of the vote adopting the foregoing amendment.

And thereupon the question was had and determined in the negative—ayes 10, noes 14. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Frey, Hardwicke, Jones of Hickman, Love, Smith, Walton, Warner, Wheeler and Yoakum—10.

Those who voted in the negative were

Messrs. Aiken, Ashe, Balch, Brown, Gillespy, Jennings, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Terry, Turney and Speaker Coe—14.

So said motion to re-consider was rejected.

Mr. Marshall offered the following, to wit:

*Be it enacted*, That any person or persons against whom a judgment may be rendered for upwards of twenty dollars by a justice of the peace, shall be entitled to an appeal to the Circuit, court without being required to give security.

Mr. Yoakum moved to strike out the words "for upwards of twenty dollars," which motion failed.

The question then recurred upon the adoption of said amendment, and the sense of the Senate being thereon had, said amendment was adopted.

Mr. Warner offered the following, to wit:

Provided nothing in this act shall be so construed as to apply to contracts entered into before the first day of may next.

And thereupon the question was had and determined in the negative—ayes 11, noes 13. The ayes and noes being demanded those who voted in the affirmative were.

Messrs. Anderson, Frey, Hardwicke, Jones of Hickman, Love, Smith, Terry, Walton, Warner, Wheeler and Yoakum—11.

Those who voted in the negative were

Messrs. Aiken, Ashe, Balch, Brown, Gillespy, Jennings, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Turney and Speaker Coe—n3.

So said amendment was rejected.

The question then recurred upon the passage of the bill, and being thereon had, said bill passed its second reading—ayes 14, noes 10.

The ayes and noes beidg demended, those who voted in the affirmative were

Messrs, Aiken, Ashe, Balch, Brown, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Marshall, Reneau, Turney, Yoakum and Speaker Coe—14.

Those who voted in the negative were

Messrs. Anderson, Frey, Jones of Hickman, Love, Sevier, Smith, Terry, Walton, Warner and Wheeler—10.

And so said bill passed its second reading.

Mr. Gillespy introduced

A bill to explain the sixth section of an act to dispose of the lands in the Ocoee district.

Mr, Laughlin introduced

A bill to regulate the salary of the Secretary of State.

Mr. Ashe introduced

A bill to change the time of holding the regimental musters in the 20th brigade of Tennessee militia.

Mr. Turney introduced

A bill to alter the charter of the Bank of Tennessee. And

Mr. Jennings introduced

A bill to pay Miller Francis, Treasurer of the State of Tennessee office rent.

Mr. Marshall moved a re-consideration of the vote rejecting the bill to charter the Fayetteville and Sevierville turnpike company.

Mr. Jennings submitted the following, to wit:

*Resolved*, That the committee on the Lunatic Asylum, be required to report the mode in which the last apportionment for the benefit of said asylum was expended, together with the amount of claims against the institution as yet unsatisfied. And the rule being suspended, said resolution was adopted.

Mr. Warner submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That grant No. 62 from the State of North Carolina, to Theophilus Hunter with its accompanying documents, be referred to the Secretary of State for adjudication; and if it shall appear that said grant or any part thereof has been interfered with and lost by better title, then it shall be the duty of said Secretary to issue to Thomas O. Hunter, the legal heir and representative of the said Theophilus Hunter, a duplicate warrant or certificate for the number of acres so interfered with and lost.

And the rule being suspended, said resolution was referred to the committee on public lands.

The Senate took up and considered the proposition from the House of Representatives to amend the bill to protect the owners of mills in the enjoyment of their rights.

Mr. Jones of Hickman offered an amendment to the amendment from the House of Representatives, which was accepted. And the amendment as amended was concurred with.

*Ordered*, That the clerk acquaint the House of Representatives therewith.

And then the Senate adjourned.

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Saturday Morning, Jan. 18, 1840.

Mr. Yoakum, from the committee on public lands, to whom was referred a resolution referring grant No. 62 to the Secretary of State for adjudication, reported that the committee have had the same under consideration, think its provisions reasonable, and had instructed him to recommend its adoption.

On motion of Mr. Warner, said resolution was laid on the table.

Mr. Terry returned, with an amendment, a bill to protect county creditors.

And thereupon the question was had, and said amendment was adopted. The bill was thereupon read a third time and passed—ayes 22.

The ayes and noes being required by the constitution, the affirmative voters were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Love, Reneau, Sevier, Smith, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—22.

So said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill from the House of Representatives, to authorize the county courts of Bradley and Polk counties to elect surveyors, and for other purposes, was read a first time and passed.

A message from the House of Representatives by Mr. Crockett, their Clerk:

Mr. Speaker: The House of Representatives have adopted a resolution authorizing Samuel R. Rogers, the attorney for the State, to com-

promise a matter of controversy with James Berry and his securities upon certain terms therein mentioned.

The said resolution was amended on motion of Messrs. Gillespy and Marshall; and the question of concurrence being thereupon had, it was determined in the affirmative—ayes 13, noes 8.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Gillespy, Laughlin, Marshall, Reneau, Sevier, Terry, Turney, *W*heeler and Speaker Coe—13.

The negative voters were

Messrs. Balch, Hardwicke, Jones of Hickman, Jones of Lincoln, Love, *W*alton, *W*arner and Yoakum—8.

And so said message was concurred with.

A message from the House of Representatives by Mr. Crockett, their clerk:

Mr. Speaker: The Speaker of the House of Representatives did this day sign an enrolled act, entitled an act to incorporate the Clarksville Marine, Fire Insurance and Life and Trust Company.

And then he withdrew. Whereupon the Speaker of the Senate signed the said enrolled act, and ordered it to be deposited in the office of the Secretary of State.

A bill supplemental to three several acts passed at the present session of the General Assembly, for the relief of Erby Boyd, Jas. Spencer and Thomas Shirley, was read a third time and passed—ayes 15, noes 5.

The ayes and noes being required by the Constitution, the rffirmative voters were

Messrs. Anderson, Ashe, Frey, Gillespy, Hardwicke, Laughlin, Love, Marshall, Reneau, Sevier, Terry, Turney, *W*arner, *W*heeler and Mr. Speaker Coe—15.

The negative voters were

Messrs. Balch, Jones of Hickman, Jones of Lincoln, M'alton and Yoakum—5.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Laughlin returned, with an amendment in lieu of the whole, a bill to regulate the time of holding the Chancery and Circuit Courts, and for other purposes; which amendment was received, and the bill passed its third reading—ayes 21.

The ayes and noes being demanded by the constitution, the affirmative voters were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Terry, Turney, Walton, Warner, Wheeler, Yoakam and Speaker Coe—21.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill to amend and explain the law in relation to notaries public, was read and passed its third time—ayes 20.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Sevier, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Mr. Speaker Coe—20.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Jennings presented a communication from W. H. Hunt, Esq. which was read and referred to the judiciary committee.

Mr. Terry moved to reconsider the vote rejecting the Lagrange and Memphis rail road company, which motion prevailed, and the bill ordered to the table.

A bill to explain the 6th section of an act entitled an act to dispose of the lands in the Ocoee District, passed the 27th of December, 1837,

A bill supplemental to an act passed 27th of December, 1839, entitled an act to regulate the receipts and disbursements of the common school monies,

A bill for the relief of Edward Sharp of Bradley county,

A bill concerning the herding of cattle,

A bill to provide for the adjudication of unsatisfied land claims,

A bill to regulate the salary of the Secretary of State,

A bill to prevent the State from paying unlawful interest upon the bonds for internal improvement and other purposes, and

A bill directory to the Secretary of State, where any person or persons has laid or entered any genuine land warrant or certificate of warrant, and obtained grants thereon, on any land appearing by the books of the entry taker of the county wherein the same may be situated, to be vacant, which was not vacant, to issue to such person or persons duplicate warrants for the amount of such warrant or certificate of warrant.

All of which were severally read a first time and passed.

A bill to incorporate the Shelbyville, Winchester and Jasper turnpike company was read.

Mr. Warner offered an amendment providing that no gate shall be erected in Bedford county without the consent of the county court of Bedford county; which amendment was adopted.

Mr. Jones of Lincoln offered an amendment providing that the General Assembly may at any time alter, modify or repeal this act or any of its provisions; which amendment was adopted, and thereupon, the bill passed its second reading.

A bill to amend an act entitled an act to incorporate the Lagrange and Memphis Rail Road Company, passed 14th December, 1835, and the internal improvement acts of 1836 and 1839, was read a third time and passed—ayes 11, noes 10.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Brown, Gillespy, Jennings, Laughlin, Love, Reneau, Smith, Terry and Speaker Coe—11

Those who voted in the negative were Messrs. Anderson, Balch, Frey, Jones of Hickman, Jones of Lincoln, Marshall, Sevier, Walton, Warner and Yoakum—10.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up and considered the proposition from the House of Representatives, to amend the Senate's resolution proposing to adjourn on the 3d day of February. Said proposition of the House to adjourn on the 27th inst. was concurred with and

*Ordered*, That the clerk acquaint the House of Representatives therewith.

A bill to authorize Moses Thompson of Rhea county to open a turnpike road was read a third time and passed, and ordered to be engrossed and transmitted to the House of Representatives.

A bill to incorporate the inhabitants of the town of Hampshire in the county of Maury was read.

Mr. Smith offered an amendment in lieu of the whole bill.

Mr. Warner offered the following amendment, to wit:

*Be it enacted*, That the qualified voters residing in the civil district including Lewisburg in Marshall county, shall be authorized to elect an additional Justice of the peace, whose residence shall be within the incorporated limits of the said town of Lewisburg. And the question being thereon had said amendment was adopted.

Mr. Turney offered the following amendment.

*Be it enacted*, That the district including the town of Monroe in Overton county, may elect an additional justice of the peace. And thereupon the question was had, and said amendment was adopted.

The question then recurred upon the amendment offered by Mr. Smith in lieu of the whole bill, and being thereon had, said amendment was adopted. And thereupon the bill passed its third and last reading, ordered to be engrossed and transmitted to the House of representatives.

A bill to attach a portion of Stewart county to the county of Humphreys was read.

Mr. Jones of Hickman offered the following amendment in lieu of so much of the original bill as attached a part of Stewart county to the county of Humphreys, without giving the citizens residing in said territory the right to decide by a vote whether or not said territory shall be attached to the county of Humphreys, to wit:

*Be it enacted*, That it shall be the duty of the sheriff of Humphreys county, after advertising at least ten days, in five or more of the most public places in said part of Stewart county admitting all persons residing in soid territory, who by the laws of this State are entitled to vote for county officers, to vote in said election, putting on their tickets "Humphreys or Stewart county." And if it shall appear after their votes are counted, that a majority of all voting in said election are in favor of being attached to Humphreys county, then and in that case the said territory shall be attached to the county of Humphreys as provided for by this act. And if upon the comparing said votes it shall appear that a majority have voted in favor of remaining

in Stewart county, said territory shall not be attached to Humphreys county.

*Be it enacted*, That it shall be the duty of the sheriff of Humphreys county to appoint a sufficient number of Judges, Clerks and other officers to hold said election, and the sheriff or persons appointed by him to hold any of said elections, shall be authorized to administer the necessary oaths to the judges and clerks appointed to hold and conduct said elections. And it shall also be the duty of the sheriff of Humphreys county to appoint a suitable place in said territory, where the polles of said election shall be compared, on the succeeding day the sheriff of the said county of Humphreys shall compare the votes and pronounce the result.

*Be it enacted*, That if in four years after the next enumeration and apportionment in this State the citizens who now reside in Humphreys county petition for the right of removing the present county seat of said county, by a vote of the citizens of said county; and should the legislature in the time specified grant the citizens of said county the right of removing the county seat to the centre of said county, as the same is now established, by a majority of the qualified voters of said county voting for the removal of the same, it shall not be lawful for the citizens residing at that time in that part of Stewart county by this act attached to the county of Humphreys, to vote in said election, either for or against the removal of the county seat of said county; provided however that if the citizens of said county of Humphreys as now organized, shall not petition in the time allowed them by this act. The citizens residing in that part of Stewart county, contemplated by this act to be attached to Humphreys county, shall thereafter be entitled to vote in any election for the removal of the county seat of said county, as other citizens residing in said county may or shall be entitled to.

Mr. Hardwicke moved to strike out all of the amendment of Mr. Jones of Hickman, except so much as authorizes the persons proposing to be included in Humphreys county, to vote in favor, or against it, which motiotion prevailed—ayes 14, noes 7.

The ayes and noes being required, those who voted in the affirmative were,

Messrs. Aiken, Anderson, Balch, Gillespy, Hardwicke, Laughlin, Reneau, Sevier, Smith, Turney, Walton, Warner, Yoakum and Speaker Coe—14.

Those who voted in the negative were

Messrs. Ashe, Brown, Frey, Jones of Hickman, Jones of Lincoln, Love and Marshall—7.

So said motion prevailed.

The said amendment as amended by Mr. Hardwicke, was adopted as a part of the bill.

The question then recurred upon the passage of the bill, and being thereon had, said bill passed its third reading—ayes 16, noes 5.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Frey, Gillespy, Hardwicke, Laughlin, Love, Reneau, Sevier, Smith Turney, Walton, Warner, Yoakum and Speaker Coe—16.

Those who voted in the negative were

Messrs. Ashe, Brown, Jones of Hickman, Jones of Lincoln and Marshall—5.

And so said bill passed its third reading, ordered to be engrossed and transmitted to the House of Representatives.

A bill to incorporate the Van Buren Academy in Fentress county and for other purposes, was read a third and last time and passed, ordered to be engrossed and transmitted to the House of Representatives.

A bill to increase the amount of the penalty of sheriffs bonds, and for other purposes, was read and passed—ayes 17, noes 3.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Reneau, Smith, Turney, Walton, Yoakum and Speaker Coe—17.

The negative voters were

Messrs. Aiken, Sevier and Warner—3.

And so said bill passed its third and last reading, ordered to be engrossed and transmitted to the House of Representatives.

A bill to amend an act entitled, an act to increase the jurisdiction of justices of the peace, Nov. 30, 1837.

Mr. Anderson moved to strike out the second section of said bill, which motion failed—ayes 8, noes 14.

The ayes and noes being demanded, the affirmative voters were

Messrs. Anderson, Frey, Jones of Hickman, Love, Smith, Warner, Wheeler and Yoakum—8.

Those who voted in the negative were

Messrs. Aiken, Ashe, Balch, Brown, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Turney, Walton and Speaker Coe—14.

And so said motion was rejected.

Mr. Jones of Hickman offered an amendment in lieu of the whole bill, "admitting a stay of six months of all executions on judgments rendered by a justice of the peace after the first day of July next, upon security being given as heretofore provided by law.

Mr. Gillespy moved to lay said amendment on the table.

And thereupon the question was had, and determined in the affirmative—ayes 13, noes 9. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Ashe, Balch, Brown, Gillespy, Hardwicke, Jones of Lincoln, Marshall, Reneau, Sevier Turney, Walton and Wheeler—13.

The negative voters were

Messrs. Anderson, Frey, Jones of Hickman, Laughlin, Love, Smith, Warner, Yoakum and Speaker Coe—9.

So said amendment was ordered to the table.

Mr. Reneau moved a re-consideration of said vote to lay on the table, which motion prevailed.

Mr. Turney moved to amend the caption of the bill by adding, 'and shall make an appeal without giving security therefor,' which motion prevailed.

Mr. Warner offered the following amendment, to wit:

Provided where any person or persons confess a judgment before any justice of the peace, no appeal shall be granted.

Mr. Turney thereupon moved the previous question, which was sustained—ayes 14, noes 6.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Ashe, Balch, Frey, Gillespy, Jones of Lincoln, Laughlin, Marshall, Sevier, Turney, Walton, Wheeler, Yoakum and Speaker Coe—14.

Those who voted in the negative were

Messrs. Anderson, Brown, Jones of Hickman, Love, Smith and Warner—6.

Said call for the previous question was sustained.

The question "shall the bill pass?" was thereupon had, and determined in the negative—ayes 10, noes 12.

The ayes and noes being demanded the affirmative voters were

Messrs. Aiken, Balch, Brown, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Turney, Yoakum and Speaker Coe—10.

The negative voters were

Messrs. Anderson, Ashe, Frey, Jones of Hickman, Love, Marshall, Reneau, Sevier, Smith, Walton, Warner and Wheeler—12.

And so said bill was rejected.

A bill to incorporate the trustees of the Ripley Academy in the county of Lauderdale. And

A bill to extend the corporate limits in the town of Hartsville in the county of Sumner, both of which were read a second time and passed.

Mr. Brown submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, With design to advertise the members of this General Assembly of the importance of economy in the consumption of time, and of the necessity of expedition in the despatch of business, that a joint select committee be appointed with instructions to report to both Houses the amount of unfinished business in each, comprising the number of bills on the tables of each House, with a classification of such bills, so as to show the various stages which they have reached, and another classification which will show how much of said unfinished business is of a general and important character, and how much local, and comparatively unimportant.

And the rule being suspended, said resolution was adopted. The Speaker appointed Messrs. Brown, Sevier and Wheeler to be of said committee on the part of the Senate.

*Ordered*, That the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

A bill to repeal the sixth section of an act passed the 19th day of January, 1838, entitled an act to incorporate the inhabitants of the town of Knoxville in Knox county, passed October 27th, 1815, and

A bill to amend the 5th section of an act entitled an act setting forth the property real and personal, and the privileges and occupations liable to taxation in this State, were severally read the second time and passed.

A message from the House of Representatives by Mr. Crockett their clerk.

Mr. Speaker: The House of Representatives concur with your resolution appointing a joint select committee to economise time; and have appointed Messrs. Watson, Buchanan of Lawrence, Johnson of Greene and Bransford to be of said committee on the part of the House.

And then he withdrew.

A bill to make penal the misuse or misapplication of public money, was taken up and read

Mr. Gillespy moved to strike therefrom the words "when called on," which motion prevailed.

Mr. Jones of Hickman offered an amendment in lieu of the whole from the enacting clause.

Mr. Coe being then on the floor moved to amend the original bill by striking therefrom the words "with intent to defraud the State." During the pendency of which

The Senate adjourned.

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MONDAY MORNING, Jan. 20, 1840.

A message from the House of Representatives by Mr. Crockett their Clerk.

Mr. Speaker: The House of Representatives concur with the amendments proposed by the Senate to the bill to protect the owners of mills in the enjoyment of their rights.

And then he withdrew.

Mr. Brown, from the joint select committee to examine and classify the bills on the Clerk's table, in each branch of the General Assembly, reported that the committee had performed the duty assigned them;—which report was read and concurred with.

Mr. Frey, from the committee on ways and means, to whom was referred a petition from sundry citizens of Carroll county, reported that the committee have had the same under consideration, and without report asked and obtained leave to be dismissed from its further consideration.

Mr. Warner, from the committee on claims, to whom was referred a bill for the relief of certain purchasers and assignees of purchasers of reservations in the Hiwassee district, and for other purposes, reported that the committee have had the same under consideration, and had instructed him to report an amendment in lieu of the whole.

Mr. Gillespy moved an amendment in lieu of the 6th section of said amendment, which was accepted—ayes 11, noes 8.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Frey, Gillespy, Hardwicke, Love, Marshall, Reneau, Sevier, Smith, Terry, Wheeler and Yoakum—11.

Those who voted in the negative were

Messrs. Ashe, Balch, Brown, Jones of Hickman, Jones of Lincoln, Walton, Warner and Speaker Coe—8.

And so said amendment was accepted.

Mr. Jones of Hickman moved to strike out the six first sections from the amendment proposed by the committee; and the question being thereon had, said motion failed.

The question then recurred upon the adoption of the amendment proposed by the committee, and being had thereon, said amendment was adopted—ayes 11, noes 6.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Frey, Gillespy, Hardwicke, Love, Marshall, Reneau, Sevier, Smith, Terry, Wheeler and Yoakum—11.

The negative voters were,

Messrs. Ashe, Balch, Brown, Jones of Hickman, Jones of Lincoln, Walton, Warner and Speaker Coe—8.

And so said amendment was adopted; and thereupon the bill was read and passed a third time—ayes 10, noes 9.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Frey, Gillespy, Hardwicke, Love, Reneau, Sevier, Smith, Terry, Wheeler and Yoakum—10.

Those who voted in the negative were

Messrs. Ashe, Balch, Brown, Jones of Hickman, Jones of Lincoln, Marshall, Walton, Warner and Speaker Coe—9.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Hardwicke presented a petition from 185 persons from Benton county, praying that the Branch of the Bank of Tennessee be removed from Trenton, in Gibson county, to Huntingdon in the county of Carroll. And also, a petition from 84 citizens of Benton county, praying for the removal of the aforesaid branch bank from Trenton to Paris, in Henry county; both of which were read and referred to the committee on banks.

Mr. Jones of Lincoln introduced a bill making an appropriation of money to defray the expenses of the present General Assembly; read a first time and passed.

Mr. Gillespy introduced, a bill for purposes therein specified.

Mr. Jones of Lincoln moved that said bill be indefinitely postponed.

And thereupon the question was had and determined in the affirmative—ayes 12, noes 8. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Balch, Brown, Frey, Jones of Hickman, Jones of Lincoln, Love, Terry, Walton, Warner, Wheeler and Yoakum—12.

Those who voted in the negative were

Messrs. Ashe, Gillespy, Hardwicke, Marshall, Reneau, Sevier, Smith, and Speaker Coe—8.

And so said bill was indefinitely postponed.

Mr. Love submitted the following;

Whereas, Solomon Copeland, John M'Kean and others, made entries and have obtained grants upon the following warrants, within what is commonly called the Salt Lick Reservation, in the counties of Henry and Humphreys, to wit: Certificate warrant No. 3366, for 250 acres; No. 4638, for 200 acres; No. 3806, for 42 acres: No. 6968 and No. 3456, for 505 acres; and No. 3184, for 640 acres, also an entry on No. 3000 for 98 acres; And whereas, the Congress of the U. States at the last session granted rights of occupancy and preemption to the settlers within the Salt Lick Reservation for the same lands so entered by said Copeland and M'Keman and others, and they being desirous of avoiding any conflict with the General Government in the grants to the citizens aforesaid, or with said citizens, therefore

*Resolved by the General Assembly of the State of Tennessee*, That said Copeland, M'Keman and others, or their heirs, &c. are hereby authorized to withdraw said warrant No. 300 for 98 acres, and that the Secretary of State is hereby authorized to issue certificate warrants upon said grants, or so much of them as have granted within said Salt Lick Reservation to said Copeland, M'Keman and others, upon their surrendering the grants aforesaid, which shall then be null and void.

Read and referred to the committee on claims.

Mr. Wheeler presented a petition from sundry citizens of Knoxville, praying that a branch of the Bank of Tennessee be established at that town; which was read and ordered to be transmitted to the House of Representatives.

Mr. Hardwicke moved for permission to record his vote against the passage of the bill in relation to the Lagrange and Memphis Rail Road Company, which passed in Senate on Friday last.

Said motion was decided by the Speaker to be out of order.

The Senate then resumed the consideration of Mr. Coe's motion to strike from the bill to make penal the misuse or misapplication of the public money, the words 'with intent to defraud the State.'

Mr. Yoakum moved to strike out 'but shall have converted to his own use.'

And thereupon the question was had and determined in the negative, ayes 10, noes 11. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Hardwicke, Jones of Hickman, Jones of Lincoln, Love, Smith, Wheeler, Yoakum and Speaker Coe—10.

The negative voters were

Messrs. Balch, Brown, Frey, Gillespy, Marshall, Reneau, Sevier, Terry, Turney, Walton and Warner—11.

And so said motion failed.

The question then recurred on the amendment offered by Mr. Jones of Lincoln.

Mr. Warner then moved to amend the said amendment by adding thereto the following proviso after the word 'interest.'

Provided said loan was made for the purpose of speculation; and provided further that the officer pays over all monies to the proper authority from time to time, as by law he is bound to do.

Mr. Yoakum moved to lay said amendment on the table.

And thereupon the question was had and determined in the negative—ayes 7, noes 14. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Balch, Hardwicke, Jones of Hickman, Jones of Lincoln, Turney, Yoakum and Speaker Coe—7.

The negative voters were

Messrs. Anderson, Ashe, Brown, Frey, Gillespy, Love, Marshall, Reneau, Sevier, Smith, Terry, Walton, Warner and Wheeler—15.

And so said amendment was adopted.

The question then recurred upon the amendment of Mr. Warner: and being had thereon, it was adopted—ayes 14, noes 8.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Balch, Brown, Frey, Gillespy, Love, Marshall, Reneau, Sevier, Smith, Terry, Walton, Warner and Wheeler—14.

Those who voted in the negative were

Messrs. Ashe, Hardwicke, Jones of Hickman, Jones of Lincoln, Turney, Yoakum and Speaker Coe—8.

And so said amendment was adopted.

Mr. Marshall offered the following as an amendment to the amendment of Mr. Jones of Lincoln:

Provided that nothing in this act shall extend to sheriffs, clerks of the supreme, chancery, circuit and county courts, or to the county trustees or constables,

Mr. Sevier moved the indefinite postponement of the bill and amendment: which motion failed—ayes 6, noes 15.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Brown, Marshall, Sevier, Terry and Walton—6.

Those who voted in the negative were

Messrs. Ashe, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Love, Reneau, Smith, Turney, Warner, Wheeler, Yoakum and Speaker Coe—15.

So the Senate refused to postpone indefinitely.

The question then recurred upon the adoption of Mr. Marshall's amendment, and being thereon had was determined in the negative—ayes 9, noes 12.

The ayes and noes being demanded, the affirmative voters were

Messrs. Anderson, Brown, Frey, Gillespy, Marshall, Reneau, Sevier, Terry and Walton—9.

The negative voters were

Messrs. Ashe, Balch, Hardwicke, Jones of Hickman, Jones of Lincoln, Love, Smith, Turney, Warner, Wheeler, Yoakum and Speaker Coe—12.

So said amendment was rejected.

Mr. Reneau offered the following as an amendment to the amendment, to wit:

Provided that no one shall incur the penalties of this act unless it shall appear on the trial that there was an intent in the party charged to defraud the State.

And thereupon the question was had and determined in the negative, ayes 10, noes 10. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Brown, Frey, Gillespy, Love, Marshall, Reneau, Sevier, Terry and Walton—10.

Those who voted in the negative were

Messrs. Balch, Hardwicke, Jones of Hickman, Jones of Lincoln, Smith, Turney, Warner, Wheeler, Yoakum and Speaker Coe—10.

So said amendment was rejected.

The question then recurred upon the adoption of the amendment of Mr. Jones of Lincoln, in lieu of the original bill.

And thereupon the question was had and determined in the affirmative—ayes 11, nays 10. The ayes and noes being demanded, the affirmative voters were

Messrs. Ashe, Balch, Gillespy, Hardwicke, Jones of Hickman, Love, Smith, Turney, Warner, Wheeler and Yoakum—11.

Those who voted in the negative were

Messrs. Anderson, Brown, Frey, Jones of Lincoln, Marshall, Reneau, Sevier, Terry, Walton and Speaker Coe—10.

So said amendment was accepted in lieu of the original bill.

Mr. Speaker Coe submitted the following, and asked that it be entered on the journal, to wit:

"I voted against the adoption of the foregoing amendment of Mr. Jones of Lincoln in lieu of the original bill, because of the adoption of the amendment offered by Mr. Warner, and adopted by the Senate, "releasing public officers from the penalty of defaulters if they did not use the money for speculating purposes."

L. H. COE.

The said bill was thereupon put upon its passage, and the question Shall the bill pass? being thereon had, it was determined in the negative—ayes 10, noes 11.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Balch, Gillespy, Hardwicke, Jones of Hickman, Love, Smith, Turney, Warner, Wheeler and Yoakum—10.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Jones of Lincoln, Marshall, Reneau, Sevier, Terry, Walton and Speaker Coe—11.

So said bill was rejected.

Mr. Yoakum presented copies of correspondence between William

Nichol, President of the Bank of Tennessee, and R. H. M'Ewen, Superintendent of Public Instruction, in relation to the common school fund; which was read and ordered to be transmitted to the House of Representatives.

A bill to incorporate the Shelbyville, Winchester and Jasper Turnpike Company, was read.

Mr. Jones of Lincoln offered the following:

*Be it enacted*, That the individual property of the Stockholders of the company hereby incorporated shall be liable for the debts of the corporation.

Mr. Yoakum moved to lay said bill and amendment on the table,—which motion prevailed.

A message from the House of Representatives by Mr. Crockett, their clerk:

Mr. Speaker: The House of Representatives have adopted a resolution to go into the election of three inspectors for the Penitentiary on this day at three o'clock, p. m., in which they ask your concurrence.

And then he withdrew. Thereupon the said resolution was read and concurred with.

*Ordered*, That the clerk acquaint the House of Representatives therewith.

A bill directory to the Secretary of State, where any person or persons has laid or entered any genuine land warrant or certificate of warrant, and obtained grants thereon, on any land appearing by the books of the entry taker of the county wherein the same may be situated, to be vacant, which was not vacant, to issue to such person or persons duplicate warrants for the amount of such warrant or certificate of warrant, was read a third time and passed—ayes 16, noes 2.

The ayes and noes being demanded the affirmative voters were

Messrs. Aiken, Balch, Brown, Frey, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Love, Marshall, Reneau, Walton, Warner, Wheeler, Yoakum and Speaker Coe—16.

The negative voters were

Messrs. Smith and Turney—2.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill to amend an act entitled, an act to dispose of the lands in the Ocoee district, passed 29th November, 1837, was read a third time and passed—ayes 10, noes 9.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Frey, Gillespy, Hardwicke, Love, Reneau, Smith, Terry, Turney and Walton—10.

Those who voted in the negative were

Messrs. Balch, Brown, Jones of Hickman, Jones of Lincoln, Marshall, Warner, Wheeler, Yoakum and Speaker Coe—9.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill to allow Miller Francis office rent, was read a second time.

Mr. Yoakum moved that said bill be indefinitely postponed.

And thereupon the question was had and determined in the negative—ayes 9, noes 12. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Balch, Jones of Hickman, Jones of Lincoln, Reneau, Walton, Warner, Wheeler, Yoakum and Speaker Coe—9.

The negative voters were

Messrs. Aiken, Ashe, Brown, Frey, Gillespy, Hardwicke, Laughlin, Love, Marshall, Smith and Turney—12.

So the Senate refused to postpone indefinitely.

The question then recurred upon the passage of the bill, and being thereon had, said bill was rejected.

A bill to regulate the salary of the Secretary of State, being read a third time,

Mr. Laughlin moved to fill the blank with the sum of $1200; which motion failed.

Mr. Aiken moved to fill said blank with the sum of $1000; whereupon the bill was read a third time and passed—ayes 14, noes 5.

The ayes and noes being required by the constitution, those who voted in the affirmative were

Messrs. Aiken, Brown, Frey, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Love, Marshall, Smith, Turney, Warner, Yoakum and Speaker Coe—14.

The negative voters were

Messrs. Anderson, Ashe, Balch, Jones of Hickman, Reneau, Walton and Wheeler—6.

And so said bill passed its third reading was ordered to be engrossed and transmitted to the House of Representatives.

A bill supplemental to an act passed 27th of December, 1839, entitled an act to regulate the receipt and disbursement of the common school monies, was read a third time and passed—ayes 21.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Frey, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Sevier, Smith, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—21.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Jones of Lincoln moved a reconsideration of the vote rejecting the bill to make penal the misuse or misapplication of the public money; which motion prevailed.

Mr. Yoakum moved a reconsideration of the vote accepting the amendment of Mr. Jones of Lincoln in lieu of the bill; which motion prevailed.

Thereupon Mr. Jones of Lincoln moved to lay said amendment on the table.

And thereupon the question was had and determined in the affirmative—ayes 19. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Love, Marshall, Reneau, Sevier, Smith, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—19.

So said amendment was laid on the table.

Mr. Gillespy offered the following amendment to the original bill,—to wit:

Provided the provisions of this act shall not extend to sheriffs, constables, county trustees, or clerks of the several courts in this State.

Mr. Yoakum moved to lay the foregoing amendment on the table.

And thereupon the question was had and determined in the affirmative—ayes 11, noes 8. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Ashe, Hardwicke, Jones of Hickman, Jones of Lincoln, Love, Smith, Turney, Warner, Wheeler Yoakum and Speaker Coe—11.

The negative voters were

Messrs. Anderson, Brown, Frey, Gillespy, Marshall, Reneau, Sevier and Walton—8.

So said motion to lay on the table was sustained.

Mr. Marshall offered an amendment in lieu of the whole bill, to wit:

That no public officer or other person, to whom the money, property or effects of this State is or shall be entrusted, shall fraudulently take, secrete or embezzel the same with intent at the time of such fraudulent taking, secreting or embezzelment, to defraud the State of such money, property or effects; and if any public officer or other person shall violate the provisions of this act, he shall be adjudged guilty of felony, and shall undergo confinement in the public jail and penitentiary house established in this State, for a period not less than three nor more than fifteen years.

To which Mr. Yoakum offered the following:

Provided that the appropriation by such officer of such public money to any other use or purpose than that prescribed by law, shall be taken and deemed as with fraudulent intent within the meaning of this act.

And thereupon the question was had and determined in the negative—ayes 6, noes 13. The ayes and noes being demanded, the affirmative voters were

Messrs. Hardwicke, Jones of Lincoln, Smith, Turney, Wheeler and Yoakum—6.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Gillespy, Jones of Hickman, Love, Marshall, Reneau, Sevier, Walton, Warner and Mr, Speaker Coe—13.

And so said amendment was rejected.

Mr. Ashe offered an amendment to the original bill, which was accepted.

Mr. Reneau offered the following amendment to the original bill, to wit:

And provided that in no case shall the penalty of this act be incurred by any person charged, unless it shall appear in evidence on the trial

that the party charged intended to commit fraud, either against the State or some county in the State.

Mr. Yoakum moved to lay the bill and amendment on the table, which motion prevailed.

A bill to provide for appointing judges to hold county elections and for other purposes, was read a second time and passed.

A message from the House of Representatives by Mr. Crockett, their Clerk:

Mr. Speaker: The House of Representatives are now ready to receive the Senate for the purpose of going into the election of Inspectors of the Penitentiary.

And then he withdrew. Whereupon the Speaker and Gentlemen of the Senate repaired to the hall of the House of Representatives, and being assembled in convention, the two houses proceeded to the election of said inspectors.

Messrs. William Carroll, Robert C. Foster, John Harding, Benjamin F. Weller, James Peacock and John D. Goss being in nomination, Senators who voted for Mr. Carroll, were

Messrs. Brown, Frey. Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Sevier, Smith, Turney, Walton, Warner, Wheeler, Yoakam and Speaker Coe—17.

Senators who voted for Mr. Foster, were

Messrs. Anderson, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Smith, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—18.

Those who voted for Mr. Harding, were

Messrs. Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turuey, Warner, Wheeler, Yoakum and Speaker Coe—12.

Those who voted for Mr. Weller, were

Messrs. Anderson, Brown, Frey, Jennings, Marshall and Sevier—6.

Those who voted for Mr. Peacock, were

Messrs. Anderson, Jennings, Marshall, Reneau and Sevier—5.

Those who voted for Mr. Goss, were

Messrs. Reneau and Walton—2.

The call being continued by the House of Representatives, the aggregate vote was for Carroll, 68 votes; for Foster, 74 votes; for Harding, 51 votes; for Weller, 15 votes; for Peacock, 23 votes; and for Goss, 5 votes.

Whereupon the Speaker of the Senate declared Messrs. Carroll, Foster and Harding duly and constitutionally elected inspectorrs of the penitentiary for two years, aud to hold their offices until new appointments be mrde. And thereupon the Speaker and Gentlemen of the Senate returned to their own chamber.

The Senate took up a bill to incorporate the Shelbyville, Winchester and Jasper turnpike company.

The question then recurred upon the amendment heretofore offered by Mr. Jones of Lincoln, and being thereon had said amendment was rejected. The bill was then read a third and last time and passed, or-

dered to be engrossed and transmitted to the House of Representatives.

A bill for the relief of Allen D. Gentry of Monroe county was read and passed a second time.

A bill for the relief of Edward Sharp was read.

Mr. Jones of Hickman moved to strike out the words "same kind of funds."

And thereupon the question was had and determined in the negative—ayes 10, noes 12. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Jones of Hickman, Jones of Lincoln, Laughlin, Reneau, Warner, Yoakum and Speaker Coe—10.

Those who voted in the negative were

Messrs. Balch, Frey, Gillespy, Hardwicke, Love, Marshall, Sevier, Smith, Terry, Turney, Walton and Wheeler—12.

So said motion to strike out was rejected.

The question then recurred upon the passage of the bill, and the question 'shall the bill pass?' being put, it was determined in the affirmative—ayes 16, noes 6.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Frey, Gillespy, Hardwicke, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Terry, Turney, Walton, Wheeler, Yoakum and Speaker Coe—16.

Those who voted in the negative were

Messrs. Ashe, Balch, Brown, Jones of Hickman, Jones of Lincoln and Warner—6.

So said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

The Senate resumed the consideration of the bill to make penal the misuse or misapplication of the public money.

And the question being upon the amendment offered by Mr. Reneau, was had and determined in the negative—ayes 10, noes 11.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown Frey, Gillespy, Marshall, Reneau, Sevier, Terry and Walton—10.

Those who voted in the negative were

Messrs. Balch, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Wheeler, Yoakum and Speaker Coe—11.

So said amendment was rejected.

The question then recurred upon the amendment offered by Mr. Marshall, and being thereon had it was determined in the negative—ayes 11, noes 11.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Brown, Frey, Gillespy, Love, Marshall, Reneau, Sevier, Terry, Walton and Warner—11.

Those who voted in the negative were

Messrs. Ashe, Balch, Hardwicke, Jones of Hickman, Jones of Lincoln, Smith, Turney, Wheeler, Yoakum and Speaker Coe—11.

So said amendment was rejected.

The question then recurred upon the passage of the bill, and being thereon had it was determined in the affirmative—ayes 13, noes 9.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Ashe, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Turney, *W*arner, *W*heeler Yoakum and Speaker Coe—13.

The negative voters were

Messrs. Anderson, Brown, Frey, Marshall, Reneau, Sevier, Smith, Terry and Walton—9.

So said bill passed its second reading.

A bill to repeal the sixth section of an act passed the 19th Jan. 1838, entitled, an act to incorporate the inhabitants of the town of Knoxville in Knox county, passed Oct. 27, 1835, was read a third time and passed, ordered to be engrossed and transmitted to the House of Representatives.

Mr. Warner submitted the following, to wit:

I have voted for the "bill" on its second reading "to make penal the misuse or misapplication of public money" for the reason that I expect its provisions will be so altered on the third reading that it will not subject innocent men to be put in the penitentiary who have committed no offence.

Signed,

RICHARD WARNER.

A bill to amhnd the 5th section of an act entitled, an act setting forth the property real and personal, and the privileges and occupations in this State, was read a third time and passed—ayes 21, noes 2.

The ayes and noes being demanded by the constitution, the affirmative voters were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Sevier, Smith, Terry, Turney, *W*alton, *W*arner, Wheeler and Yoakum—21.

Those who voted in the negative were

Messrs. Marshall and Speaker Coe—2.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill to extend the corporate limits of the town of Hartsville, was read a third and last time and passed, ordered to be engrossed and transmitted to the House of Representatives.

Mr. Jennings presented a communication from M. *W*atson, President of the Planters Bank; which was read and ordered to be transmitted to the House of Representatives.

Mr. Jennings introduced

A bill to authorize the Governor to dispose of the shares of stock owned by the State, in the Planters Bank of Tennessee, which was

read a first time and passed, and referred to the committee on education and common schools.

A bill to consolidate the offices of entry taker and surveyor in Hickman county, was amended on motion of Mr. Warner and passed its second reading, and was withdrawn by Mr. Jones of Hickman for amendment.

A bill to authorize the county courts of Bradley and Polk counties to elect surveyors, and for other purposes, was read a second time and passed.

A bill to regulate banks and banking in this State, was taken up and made the order for to-night's session.

On motion of Mr. Yoakum, a bill to amend the inspection laws of this State in relation to the inspection of flour, was taken up and read.

Mr. Brown moved that said bill be indefinitely postponed: which motion prevailed, and the bill was indefinitely postponed.

A bill from the House of Representatives to suspend the entry of lands in the Ocoee district, was read a first time and passed.

A bill to locate additional branches of the Planters Bank of Tennessee, and for other purposes, was read a second time.

Mr. Marshall offered an amendment in lieu of the whole bill.

Mr. Anderson moved to lay the bill and amendment on the table;—which motion prevailed. Thereupon the bill and amendment were ordered to the table.

The bill to regulate the banks and banking in this State, together with the report of the committee thereon, being the order of the night, was taken up; which report recommend the striking out the fourth line in the second section.

And thereupon the question was had and determined in the negative—ayes 5, noes 17. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Balch, Jones of Lincoln, Terry, Wheeler and Yoakum—5.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Laughlin, Love, Marshall, Sevier, Smith, Turney, Walton, Warner and Speaker Coe—17.

And so said proposition to strike out was non-concurred with.

The committee also recommended the striking out the sixth section: which proposed amendment was concurred with.

Also, to strike out the word 'beyond,' in the second section; which proposed amendment was non-concurred with.

Mr. Laughlin moved to strike out the seventh section; which motion prevailed.

Mr. Laughlin then moved to add the following proviso at the end of the fourth line of the second section:

Provided the liability of said banks to be sued forthwith on all notes and liabilities for principal and interest according to law, is hereby continued in full force to all creditors of said banks.

Which amendment was adopted.

Mr. Jones of Lincoln offered the following, to wit:

*Be it enacted*, That from and after the first day of September, 1840, if any person or persons shall pass or offer to pass, give or receive any change bill, change ticket or bank note of a smaller denomination than five dollars in payment of any debt or obligation, or for any property whatsoever; he or they shall be liable to indictment or presentment in the circuit court, and on conviction thereof shall be fined for every such attempt or act, in a sum not less than ten, nor more than fifty dollars.

Mr. Coe then on the floor offered an amendment to the amendment of Mr. Jones of Lincoln, to wit:

Unless it be for the purpose of running the same home to the person or corporation which issued the same, which amendment was accepted.

Mr. Jones of Hickman moved to strike out "the first of September 1840," and insert "first of January 1841," which motion prevailed.

Mr. Gillespy offered the following as an amendment in lieu of the amendment of Mr. Jones of Hickman, to wit:

*Be it enacted*, That if any officer, agent or other person, for himself or any corporation, shall issue any change ticket or bank note under the denomination of five dollars, or shall after the 25th day of Dec. next pass or offer to pass or receive such change ticket or bank note, knowing such act to be unlawful, shall be guilty of a misdemeanor and shall be liable to presentment or indictment in the circuit court, and upon conviction shall be fined at the discretion of the court.

And thereupon the question was had and determined in the negative—ayes 6, noes 17. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Ashe, Gillespy, Sevier, Terry and Walton—6.

The negative voters were

Messrs. Anderson, Balch, Brown, Frey, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Smith, Turney, Warner, Wheeler, Yoakum and Speaker Coe—17.

So said amendment was rejected.

Mr. Jennings, moved the previous question.

And thereupon the question was had and determined in the negative, ayes 11, noes 12. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Brown, Jennings, Laughlin, Marshall, Sevier, Turney, Walton, Warner and Speaker Coe—11.

The negative voters were

Messrs. Ashe, Balch, Frey, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Love, Smith, Terry, Wheeler and Yoakum—12.

So said call for the previous question was not sdstained.

The question then recurred upon the adoption of the amendment offered by Mr. Jones of Lincoln, and being had thereon it was adopted—ayes 14, noes 9.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Ashe, Balch, Brown, Frey, Hardwicke, Jones of Lincoln,

Laughlin, Love, Smith, Turney, Warner, Yoakum and Mr. Speaker Coe—14.

Those who voted in the negative were

Messrs. Aiken, Anderson, Gillespy, Jennings, Marshall, Sevier, Terry, Walton and Wheeler—9.

And so said amendment was adopted.

Mr. Anderson moved to strike out the second section of the bill.

Mr. Marshall moved to strike out the fourth line in the second section, aud insert "within thirty days after banks of New Orleans and Louisville shall resume specie payment.

And thereupon the question was had and determined in the negative, ayes 8, noes 15. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Marshall, Sevier and Walton—8.

Those who voted in the negative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Terry, Turney, Warner, Wheeler, Yoakum and Speaker Coe—15.

So said proposed amendments were rejected.

The question then recurred upon the adoption of the amendment proposed by Mr. Anderson, and being had thereon, said amendment was rejected—ayes 7, noes 16.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Brown, Frey, Jennings, Marshall, Sevier and Walton—7.

Those who voted in the negative were

Messrs. Aiken, Ashe, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Terry, Turney, Warner, Wheeler, Yoakum and Speaker Coe—16.

So said amendment was rejected.

Mr. Gillespy offered the following in lieu of all that part of the first section of said bill after the words "provided always that," to wit:

If notes or bills of exchange well endorsed, shall not be offered for discount at any branch bank sufficient to keep the capital allotted to such branch actively employed, then and in that case the president and directors of the principal bank are hereby authorized to transfer from such branch bank so much of its capital as in the opinion of the board cannot be safely and profitably employed, to the principal bank, or to any other branch bank or banks where in their judgment it can be profitably employed.

Mr. Wheeler moved to amend the said first section of the original bill, by striking therefrom the words "seven and a half per cent," for the purpose of inserting the words "six per cent," which motion prevailed—ayes 11, noes 10.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Frey, Gillespy, Jennings, Marshall, Sevier, Smith, Walton, Warner and Wheeler—11.

The negative voters were

Messrs. Anderson, Brown, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Turney, Yoakum and Speaker Coe—10.

And so said motion prevailed.

The question then recurred upon the adoption of Mr. Gillespy's amendment, and being thereon had it was determined in the affirmative—ayes 13, noes 8.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Frey, Gillespy, Jennings, Jones of Hickman, Marshall, Sevier, Smith, Walton, Warner, Wheeler and Yoakum—13.

The negative voters were,

Messrs. Anderson, Brown, Hardwicke, Jones of Lincoln, Laughlin, Love, Turney and Speaker Coe—8.

So said amendment was adopted.

Mr. Marshall thereupon offered the following as an amendment to the said bill, to wit:

*Be it enacted*, That in case the charters of said banks or either of them, shall be adjudged by the Supreme court to be forfeited, the said court upon rendering final judgment shall proceed to appoint a receiver or receivers, who shall have full power to collect in the name of the corporation, all debts due the corporation, to take possession of all its property, to sell and dispose and distribute the same in order to pay off the creditors of said corporation, and afterwards to reimburse the stockholders; though under such rules, regulations and restrictions as the court rendering such judgment shall direct.

*Be it enacted*, That no judgment, sentence or decree which may be pronounced, declaring the charters of said banks or the charter of either of them forfeited and annulled, shall be so construed as to exempt said corporation or any of its effects from the redemption of all debts and demands which may be against it at the time of pronouncing such final judgment, sentence or decree, or from distribution amongst the stockholders after the payment of debts, or from preventing suits being brought by the receiver or receivers in the name of the corporation.

Mr. Speaker Coe being on the floor moved the indefinite postponement of the said bill and foregoing amendment. During the pendency of which

The Senate adjourned.

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TUESDAY MORNING, Jan. 21, 1840.

Mr. Yoakum, from the committee on public lands, to whom was referred a resolution respecting Solomon Copeland, John M'Keman and others, reported that the committee have had the same under consideration, and had instructed him to recommend its adoption. Said report and resolution were laid on the table.

Mr. Yoakum, from the committee on education and common schools, reported the following, to wit:

The committee on education and common schools, to whom was referred a bill authorizing the Governor to dispose of the shares of stock owned by the State in the Planters Bank of Tennessee, have had the said bill under consideration. The bonds to be purchased bear interest at the rate of five and one fourth per centum per annum. The stock in the Planters bank proposed to be exchanged at par for said bonds, has yielded to the school fund from 1st July, 1836, to the 1st July, 1839, an average profit of six and one half per centum per annum. By making the exchange proposed in the bill, the annual dividends being the same, the school fund would lose one and one fourth per centum per annum, or the sum of $3056 25 per annum on its stock invested in said bank.

Your committee is not prepared to recommend this sacrifice. If the bank will make an equitable exchange, they can see no objection to it. As the bill now stands, they recommend its rejection.

Mr. Hardwicke, from the joint select committee on the subject of the Penitentiary, made the folllowing

REPORT:

The Joint Select Committee, to whom was referred sundry resolutions and a memorial from many of the citizens of Nashville and its vicinity on the subject of the Penitentiary, have had them under consideration, and have bestowed that attention to them which their importance to individuals and the community seemed to require, and instruct me to REPORT:

That a sub-committee was appointed, with instructions to examine the report of the agent, the books, accounts, notes, and the vouchers upon which said report was made to the General Assembly, to examine into the manner of feeding, clothing, and the general treatment of the convicts, together with the general police of the Institution.

The manner in which that duty was performed will more fully appear by reference to their report, herewith submitted and marked A.

The Committee cannot forbear remarking that the Institution seems to be well managed, and that all the officers connected with it faithfully discharge the duties assigned to them; that the inmates are humanely treated, as well fed and clothed as those of any other Institution of the kind in the United States; and that they are employed in the best manner to secure the interest of the State. It is true that complaints have been made by some of the citizens of Nashville and others, that the pursuits in which they are engaged are calculated to injure the mechanics in town. The Committee would here remark that the Penitentiary system was adopted in Tennessee as the best means of reforming culprits, and graduating punishments, so as to correspond with the magnitude of the crime which might be committed; and if these important ends are attained, though it may in some degree conflict with the interest of a few individuals in the vicinity of the Institution, the injury is overbalanced by the good to the community. And indeed an investigation of the subject, proves that the complaints have very little foundation in fact. A much greater injury is sustained by the mechanical interest from the extensive importation of domestic manufactured articles by the merchants of Nashville. Who that has passed through the streets, has not noticed the number of hat, shoe, and clothing stores in the town? and in the commission

and other houses you will find cabinet furniture, chairs, ploughs, and indeed almost every article necessary to farming operations, which ought to be manufactured here. The quantity of manufactured goods sold in that way is perhaps tenfold greater than is sold at the Penitentiary. But it is useless to dwell longer on this subject. The Institution belongs to the State, and it must be conducted in that way which will produce the greatest good to the largest number, with due regard for the welfare of individuals.

The complaints, so far as they come to the observation of the Committee, are confined almost exclusively to individuals in Nashville, some of whom are not mechanics; and it is worthy of observation, that many of the most industrious, respectable and enterprising mechanics of the town take no part in presenting the supposed grievances.

The Committee cannot forbear remarking that no place has enjoyed more liberally the bounty of the General Assembly than Nashville, and on that account her citizens should not complain of a single evil, to some extent, at least, imaginable.

The Committee deem it their duty to present a correct but concise view of the pecuniary affairs of the Institution, with a view to correct some errors that exist in the public mind. The law under which the Penitentiary was erected passed at the session of 1829, and the commissioners appointed to superintend its erection entered into contracts with a number of individuals; the labor commenced in April, 1830; and on the first day of Jauuary, 1831, the work had progressed with so much rapidity, that the Governor issued his proclamation declaring the prison ready to receive convicts. The Institution had then cost about fifty thousand dollars, ($50,000 00,) and it was estimated that twenty-five thousand dollars ($25,000 00) more would be required to complete it as it now stands, provided the work was done by contracts with individuals. It was determined, however, by the inspectors, that the work should be done by the convicts; and estimating their labor to be of the same value as if they were employed in the shops manufacturing articles for sale, it would amount to at least fifteen thousand dollars, ($15,000) making the prison cost as it now stands $65,000 00, and it is believed no Institution of equal dimensions in America has been erected for the same amount of money.

By reference to the proper documents, it will be seen that the agent and keeper has drawn from the public Treasury $20,309 97 from which deduct $15,000 00 for work done on the prison by the convicts, leaves a balance of $5,309 97. By an examination of the keeper's report it will be seen that his book accounts and notes against individuals, amount to $26,541 19, that manufactured articles and materials on hand are valued at $23,015 04; that the property, tools and shop furniture are estimated at $5,536 12 and that the whole amount of debts due from the prison is $7,120 57, leaving a balance in its favor of $47,971 78. If the whole amount drawn from the Treasury be deducted, it would still leave a balance in favor of the prison, but the propriety of giving it credit for the amount of work done by the convicts cannot be doubted by any one. This then leaves a balance in favor of the Institution of more than $40,000 00.

It is true that the apparent profit is in manufactured articles, materials on hand, notes and book debts, which the Committee believe is as available as the same amount due to any person or institution. It cannot be expected that an Institution of this kind can be carried on profitably without having at all times a considerable amount, (if not an assortment) of manufactured articles on hand, as well as an abundant amount of materials, nor without a con-

siderable amount in debts. Those who deal with the prison are generally farmers and are not only able but willing to pay their debts, hence we anticipate but little loss on account of bad debts.

The keeper is desirous that the Legislature should prescribe the mode and time by which he should be governed, in the settlements and collections of the debts now due and that may become due to the Institution, that they will direct him at stated periods to close the accounts by note, and if punctual payments are not made, the Institution will receive interest on its debts, which will at all times be an important item.

The Committee deem it proper to notice, that a considerable sum is expended annually in bringing convicts to the prison, but under the former law a much greater amount was expended annually in confining them after conviction in the county jails.

The Committee cannot in justice to themselves, nor to the attending Physician fail to recommend a further allowance of $100 to his salary. His duties at some seasons of the year are very laborious, and his attention at all times, together with his humane treatment of the sick, entitle him to the gratitude of his country. They would also recommend an increase of one hundred dollars to the salary of the Assistant Keeper; the duties of this officer are increasing and laborious; he is also under heavy responsibilities, and the salary should be sufficient to command the services of a man qualified to fill the important station he now occupies. And that the foregoing provisions be provided for, the Committee instruct me to report the bill I now present.

All of which is respectfully submitted.

J. P. HARDWICKE, *Chairman*
*on the part of the Senate.*

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## APPENDIX.

(A.)

*Report of the Sub-Committee on the Penitentiary.*

The Sub-Committee appointed by the Joint Select Committee on the Penitentiary, have had under consideration such subjects as was referred to them and beg leave to report, that they have examined most carefully the report, of the agent and keeper of the prison, made to the present General Assembly, bearing date 12th October, 1839, and they have examined the books of the prison; and they have also examined the vouchers in the possession of the keeper, touching the receipts and disbursements of money for the two years, ending 30th September last, and they have no doubt of the correctness of the report as exhibited by the agent and keeper. Your Commitee visited the prison and enquired into the government and general treatment of its inmates, and they feel gratified to say that they have no doubt but that the convicts are humanely and prudently managed. Your Committee beg leave to report further, that as far as they have been able to investigate the subject, they have found the discipline of the prison administered with humanity, and at the same time with energy, and a proper regard to the reformation of the convicts. The various mechanical arts at which the convicts are employed, seem to be conducted with judgment and dispatch, which fact however, must be satisfactorily evinced to every person who visits the prison; all of which is respectfully submitted.

P. ANDERSON, *Chm. Sub. Com.*
JOHN A. AIKIN,
H. FREY,
A. COLEMAN,
JAMES H. CARSON.

Mr. Hardwicke, from the same committee, introduced a bill to dispose of the profits of the Penitentiary, and for other purposes; which was read a first time and passed.

On motion, Ordered that five hundred copies of the report of said committee be printed for the use of the Senate.

Mr. Reneau asked and obtained leave of absence during the remainder of the session, for Mr. Gaines, the Senator from Knox and Roane, on account of indisposition.

Mr. Warner presented a petition from 82 citizens of Coffee county, asking the State tax for the year 1840: and introduced

A bill to give to Coffee county the State tax for the year 1840: which was read a first time, passed, and on his motion referred to the committee on ways and means.

A message from the House of Representatives by Mr. Crockett their Clerk.

Mr. Speaker: The House of Representatives have read a third time and passed a bill to incorporate the Nashville and White's Creek Springs Company, with an amendment thereto, proposing to strike out 'ninety nine' and insert 'fifty years' in the first section.

Thereupon the Senate concurred with said amendment.

The House also concur with the Senate's amendment to the bill to attach a portion of Stewart to the county of Humphreys.

They have also read a third time and passed a bill to establish a branch of the Bank of Tennessee at Sparta, in the county of White, with an amendment providing that the capital of said branch shall be taken from the branches located now in Middle Tennessee, and a proportionable part from the mother bank.

Mr. Jones of Lincoln moved to amend said amendment, so that the capital of the branch will be taken from the Principal Bank.

And thereupon the question was had and determined in the negative—ayes 7, noes 11. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Balch, Gillespy, Jones of Lincoln, Smith, Terry, Warner, and Wheeler—7.

Those who voted in the negative were,

Messrs. Anderson, Ashe, Brown, Frey, Laughlin, Love, Marshall, Reneau, Sevier, Turney and Walton—11.

And so said amendment was rejected.

Mr, Gillespy moved to insert 'upon the basis of the qualified voters in each bank district.'

Mr. Anderson moved to lay the said amendment on the table.

And thereupon the question was had, and determined in the affirmative—ayes 12, noes 9. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Brown, Frey, Hardwicke, Laughlin, Love, Marshall, Sevier, Smith, Terry, Turney and Walton—12.

Those who voted in the negative were

Messrs. Ashe. Balch, Gillespy, Jones of Lincoln, Reneau, Warner Wheeler, Yoakum and Speaker Coe—9.

So said amendment was ordered to the table. Mr. Jones of Lincoln moved to lay that part of the said message on the table; which motion failed.

Whereupon the question was had upon a concurrence of that part of said message, and determined in the affirmative—ayes 17, noes 3.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey; Gillespy, Hardwicke, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Terry, Turney, Walton, Wheeler, and Speaker Coe—17.

The negative voters were

Messrs. Balch, Jones of Lincoln, and Warner—3.

And so said amendment of the House was concurred with.

The Senate resumed the consideration of the 'bill to regulate Banks and Banking in this State.' And the question being had upon the amendment heretofore offered by Mr, Marshall, said amendment was adopted.

Mr. Yoakum moved a reconsideration of the vote rejecting the amendment heretofore offered by Mr. Gillespy.

And the question thereupon being had, said motion faied; ayes 9, noes 14. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Brown, Hardwicke, Laughlin, Love, Smith, Turney, Warner, Yoakum and Speaker Coe—9.

The negative voters were

Messrs. Aiken, Anderson, Ashe, Balch, Frey, Gillespy, Jennings, Jones of Hickman, Jones of Lincoln, Marshall, Reneau, Sevier, Terry, Walton and Wheeler—9.

And so said motion to reconsider was rejected.

Mr. Speaker Coe being on the floor, offered an amendment in lieu of the first section, after the words 'apportion to the,' in the fifth line, to wit: Taxes paid to the State by each bank district, estimating in the calculation the amount of taxes collected from Shelby county and paid over to the hospital commissioners. Provided always, that if any branch fails to make a nett profit of seven and one half per centum per annum upon the whole amount of capital it has in use, the President and Directors of the Principal Bank are hereby authorized to transfer from such branch all the capital which may have been assigned to such branch, over and above the sum of one hundred and seventy-two thousand dollars, to the principal Bank, or to some other branch or branches, where in their opinion it can be more profitably employed: And provided further, that there shall not, under any circumstances, be more than eight hundred thousand dollars of the capital stock of the Bank employed at any time at the principal bank.

And thereupon the question was had and determined in the negative—ayes 12, noes 12. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Brown, Hardwicke, Jones of Hickman, Jones of Lin-

coln, Laughlin, Love, Sevier, Smith, Turney, Warner and —r Speaker Coe—12.

Those who voted in the negative were

Messrs. Anderson, Balch, Frey, Gillespy, Jennings, Marshall, Reneau, Terry, Walton, Wheeler and Yoakum—12.

So said amendment was rejected.

The question then recurred upon the passage of the bill, and being thereon had, said bill was rejected—ayes 12, noes 12.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith Warner, Wheeler and Yoakum, 12.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Terry, Turney, Walton and Speaker Coe—12.

And so said bill was rejected.

The Senate took up and considered the amendment proposed by the House of Representatives to the bill to distribute the academy monies, and for other purposes.

Mr. Yoakum moved a nonconcurrence with so much thereof as proposes to strike out the words 'Murfreesborough Female Academy,' and so much as proposes to strike out a part of the second section of said bill: which motion prevailed.

Mr. Turney moved a nonconcurrence with so much of said proposition as prescribes the manner in which vacancies shall be filled; which motion failed.

Mr. Aiken moved a nonconcurrence with so much of said message as proposes to strike from said bill the name of "Balch," and insert the the name of "Emmet:" which motion prevailed.

The remainder of the message was read and concurred with.

Mr. Jones of Hickman moved a further amendment to the amendment of the House to said bill; which was accepted.

*Ordered*, That the clerk acquaint the House of Representatives therewith.

Mr. Anderson introduced a bill to authorize the Cumberland and Stone's River Turnpike Company to surrender a part of their charter for a part of said road; which was read a first time and passed.

Mr. Laughlin submitted the following, to wit;

Whereas, it is the opinion of this General Assembly that the Union Bank of the State of Tennessee and the Planters Bank of Tennessee, and the Farmers and Merchants Bank of Memphis have violated their charters respectively, and that the same have been respectively forfeited.—Therefore

*Resolved by the General Assembly of the State of Tennessee*, That the Attorney General be, and he is hereby directed, unless said Banks and their brances respectively, shall well and truly resume specie payments for all their notes and liabilities, according to the tenor thereof, on or before the first day of June, 1840, to issue writs of scire facias respectively against said Union Bank of Tennessee, said Planters Bank

of Tennessee and said Farmers and Merchants Bank of Memphis, from the Supreme Court of the State at Nashville, specifying with precision the nature of the complaint, according to the right reserved to issue and prosecute such writs in the respective charters of said banks, and shall prosecute such writs to judgment according to law and the provisions of the charters of said banks respectively.

A bill to locate additional branches of the Planters bank, and for other purposes, was taken up and read.

Mr. Marshall offered an amendment in lieu of the whole.

Mr. Anderson moved to lay said amendment on the table, which motion prevailed.

Thereupon the bill passed its second reading.

Mr. Frey, from the committee on enrollments, reported as correctly enrolled, an act to establish a branch of the Bank of Tennessee at Sparta, in the county of White.

Thereupon the Speaker of the Senate signed said enrolled act, and ordered it to be transmitted to the House of Representatives.

A bill for the relief of Allen D. Gentry, of Monroe county, was read a third time and passed—ayes 14, nays 9.

The ayes and noes being demanded by the constitution, the affirmative voters were

Messrs. Aiken, Anderson, Frey, Gillespy, Hardwicke, Jennings, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Walton and Wheeler—14.

Those who voted in the negative were

Messrs. Balch, Brown, Jones of Hickman, Jones of Lincoln, Terry, Turney, Warner, Yoakum and Speaker Coe—9.

And so said bill passed its third reading was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Turney moved a reconsideration of the vote respecting the bill to regulate banks and banking in this State.

Mr. Marshall moved a reconsideration of the vote rejecting the bill to incorporate the Tazewell and Sevierville turnpike company; which motion prevailed—ayes 15, noes 7.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Frey, Gillespy, Hardwicke, Jennings, Laughlin, Marshall, Reneau, Sevier, Smith, Terry, Walton and Speaker Coe—15.

Those who voted in the negative were

Messrs. Balch, Jones of Hickman, Jones of Lincoln, Turney, Warner, Wheeler and Yoakum—7.

So said vote was reconsidered.

Mr. Reneau offered the following amendment to the third page, at the end of the proviso in the first section, to wit:

And provided also, that said company shall not erect any toll gate on any second class road, or in any way obstruct or hinder the citizens from passing and repassing on such second class road free of toll, unless the county court of the county where such second class road lies, a

majority of the justices being present, shall permit and authorize the said company so to do.

Which amendment was adopted.

The said bill was thereupon read a third time and rejected—ayes 11, noes 11.

The ayes and noes being required by the Constitution, the affirmative voters were

Messrs. Anderson, Ashe, Brown, Frey, Gillespy, Jennings, Marshall, Reneau, Terry, Walton and Speaker Coe—11.

The negative voters were

Messrs. Balch, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Sevier, Smith, Turney, Warner, Wheeler and Yoakum—11.

So said bill was rejected.

A bill to authorize the county courts of Bradley and Polk counties to elect surveyors, and for other purposes, was read.

Mr. Gillespy offered the following amendment, to wit:

*Be it enacted*, That the militia of the county of Polk shall constitute the 152 regiment, and shall be attached to the 6th brigade of Tennessee militia; and an election shall be held in the manner and at the places prescribed by law on the 2d Thursday of September next, in said county, for the appointment of militia officers for said regiment.

Said amendment was accepted.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill prescribing the mode of choosing electors to vote for President and Vice President of the United States, was read and passed a first time in Senate.

A bill to make penal the misuse and misapplication of the public monies, was taken up and read.

Mr. Warner offered an amendment, to wit:

Provided, that no clerk, sheriff, constable or other county officer in this State shall be subject to the punishment inflicted under the provisions of this act, provided such clerk, sheriff, constable or other county officer, or either of them, shall faithfully and punctually pay over all monies by them collected, as the law directs.

Which amendment was adopted—ayes 17, noes 4.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Brown, Frey, Hardwicke, Jennings, Jones of Hickman, Laughlin, Love, Marshall, Reneau, Smith, Turney, Warner, Wheeler and Speaker Coe—17.

The negative voters were

Messrs. Balch, Gillespy, Jones of Lincoln and Yoakum—4.

And so said amendment was adopted.

Mr. Yoakum offered an amendment, to wit:

Provided, That if any officer entrusted with public monies shall apply any part of such monies to any other purpose than that prescribed by law, he shall be deemed guilty under this act.

Said amendment was rejected—ayes 7, noes 13.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Balch, Hardwicke, Jones of Lincoln, Laughlin, Smith, Wheeler and Yoakum—7.

Those who voted in the negative were

Messrs. Aiken, Anderson, Brown, Frey, Gillespy, Jennings, Jones of Hickman, Marshall, Reneau, Sevier, Turney, Warner and Speaker Coe—16.

So said amendment was rejected.

The question then recurred upon the passage of the bill, and being had thereon said bill passed its third reading—ayes 12, noes 10.

The ayes and noes being required by the constitution, those who voted in the affirmative were

Messrs. Aiken, Gillespy, Hardwicke, Jones of Hickman, Laughlin, Love, Smith, Turney, Warner, Wheeler, Yoakum and Speaker Coe, 14.

The negative voters were

Messrs. Anderson, Balch, Brown, Frey, Jennings, Jones of Lincoln, Marshall, Reneau, Sevier and Terry—10.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

And then the Senate adjourned.

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WEDNESDAY MORNING, Jan. 22, 1840.

Mr. Speaker Coe presented a communication from Luke Lea, entry taker, addressed to the General Assembly of the State of Tennessee, which was read and ordered to be transmitted to the House of Representatives.

Mr. Smith presented a memorial from sundry citizens of Maury county, praying for the incorporation of a company to be called the "Duck river steam navigation company." And

Introduced a bill to incorporate the "Duck river steam navigation company," which was read a first time and passed.

Mr. Frey, from the committee of Ways and Means, to whom was referred, a bill to give to Coffee county the State tax for the year 1840, reported that the committee have had the same under consideration, and had instructed him to report the provisions thereof unreasonable and recommend its rejection:

Mr. Warner moved a non-concurrence with said report, which motion failed, and thereupon raid report was concurred with—ayes 8, noes 15.

The ayes and noes being demanded, the affirmative voters were

Messrs. Gillespy, Laughlin, Sevier, Terry, Turney, Warner, Wheeler and Yoakum—8.

The negative voters were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Frey, Hardwicke, Jones of Hickman, Jones of Lincoln, Love, Marshall, Reneau, Smith, Walton and Speaker Coe—15.

So said motion to non-concur failed, whereupon the bill was read and rejected.

Mr. Aiken from the committee on education and common schools, to whom was referred, a bill for the relief of such persons as made improvements upon school land in the Ocoee district, reported that the committee have had the same under consideration, and had instructed him to offer an amendment in lieu of the bill and recommend its passage.

And thereupon the question was had and determined in the affirmative—ayes 16, nays 6. The ayes and noes being demanded, the affirmative voters were

Messrs. Aiken, Anderson, Ashe, Balch, Frey, Gillespy, Hardwicke, Laughlin, Love, Reneau, Sevier, Smith, Terry, Turney, Walton and Yoakum—16.

Those who voted in the negative were

Messrs. Jones of Hickman, Jones of Lincoln, Marshall, Warner, Wheeler and Speaker Coe—6.

So said report was concurred with.

The question was then had upon the passage of the bill, and determined in the affirmative—ayes 12, noes 11.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Ashe, Balch, Gillespy, Hardwicke, Laughlin, Love, Reneau, Sevier, Smith, Terry and Turney—12.

Those who voted in the negative were

Messrs. Anderson, Brown, Frey, Jones of Hickman, Jones of Lincoln, Marshall, Walton, Warner, Wheeler, Yoakum and Mr. Speaker Coe—11.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Frey from the committee of enrollments, reported as correctly enrolled, an act to incorporate the Nashville and White's creek springs turnpike company.

Thereupon the Speaker of the Senate signed said enrolled act, and ordered it to be deposited in the office of the Secretary of State.

Mr. Terry submitted the following, to wit:

A resolution to amend the fourth section of the tenth article of the Constitution of this State.

*Resolved by the General Assembly of the State of Tennessee*, That the fourth section of the tenth article of the constitution of this State, be so amended that the counties of Bledsoe and Marion shall come under the general provisions of the constitution in forming new counties.

Mr. Jennings moved that the resolution heretofore offered by him, proposing an amendment to the constitution be taken up, which was so ordered, and on his motion said resolution was read and rejected.

Mr. Jennings then moved that the rule requiring resolutions to lie one day on the table be suspended, for the purpose of considering the resolution offered by Mr. Terry, which being suspended, Mr. Jennings

offered the following as an amendment to the said resolution which was accepted, to wit:

*Resolved by the General Assembly of the State of Tennessee*, That the following amendment to the constitution of this State, be proposed in manner and form as directed in the third section of the eleventh article of said constitution.

Article 1. The State of Tennessee shall not hereafter become the sole proprietor of a bank, nor a partner in any project or business with any individual or number of individuals nor with any corporation.

Article 2. Except in cases where the faith of the State is already pledged, no monies shall be raised in future on the credit of the State by any form of loan, neither by books opened for subscription, nor by the issuance of bonds nor in any other manner whatsoever, unless such monies be necessary for the defence of the State in case of threatened invasion, or of war actually commenced.

Mr. Laughlin offered the following amendment which was accepted, to wit:

*Resolved*, That the Supreme court provided for in the sixth article of the constitution, may sit at more than one place, in either of the grand divisions of the State, as the legislature may from time to time prescribe.

The said resolution as amanded was thereupon adopted—ayes 16, noes 7.

The ayes and noes being demended, those who voted in the affirmative were

Messrs. Aiken, Ashe, Balch, Brown, Frey, Gillespy, Hardwicke, Jennings, Laughlin, Love, Reneau, Sevier, Terry, Turney, Walton and Yoakum—16.

Those who voted in the negative were

Messrs. Anderson, Jones of Hickman, Jones of Lincoln, Smith, Warner, Wheeler and Speaker Coe—7.

So said resolution was adopted.

Mr. Yoakum from the committee on the lunatic hospital, who were instructed to examine and report the balance due for work on the lunatic hospital, beg leave to report that it is impossible for the committee without more time than they have to devote to the subject, to state a correct account of work done and monies expended on the hospital. They beg leave therefore to report herewith a resolution which they recommend may be adopted. And they beg to be discharged from the further consideration of the subject.

*Resolved by the General Assembly of the State of Tennessee*, That the trustees of the lunatic hospital to be appointed under an act passed at the present General Assembly, be directed to settle with the late commissioners of said hospital, and report the balance due if anything, to the next General Assembly.

Mr. Jennings moved that the report and resolution be laid on the table, which motion prevailed, and said report and resolution were ordered to the table.

Mr. Jennings submitted the following, to wit:

*Resolved by the General Assembly*, That a joint select committee be appointed with instructions to report to both branches of this General Assembly the amount and nature of claims outstanding against the lunatic asylum. And the rule being suspended requiring resolutions to lay one day on the table,

Mr. Jones of Hickman offered the following, to wit:

*Resolved further*, That the committee hereby appointed, report the amount of labor done on said institution since the last appropriation, the number of hands employed to do the same. Which amendment was accepted by Mr. Jennings, and thereupon the resolution was adopted—ayes 22.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Terry, Walton, Warner, Wheeler, Yoakum and Speaker Coe—22.

Mr. Turney voting in the negative.

So said resolution was adopted.

Thereupon the Speaker appointed Messrs. Jennings, Anderson and Yoakum to be of said committee on the part of the Senate.

Mr. Love returned with an amendment in lieu of the whole, a bill to provide for the adjudication of unsatisfied land claims.

Mr. Brown moved to strike out the fourth section of said amendment.

Mr. Coe being then on the floor offered the following amendment, to wit:

Provided that said commissioners shall be satisfied from the proof before them, that such grants were each founded upon bona fide warrants, and that the said warrant or either of them had never been satisfied.

Mr. Turney offered an amendment in lieu of the fourth section as follows, to wit;

*Be it enacted*, That no warrant shall be issued upon any grant, unless it shall appear that such grant was founded upon a good and valid warrant, and that no other warrant had been issued on the same; provided also, that before any warrant shall be issued under the provisions of this act to any purchaser or assignee or other person, than the officer or soldier, or other owner originally entitled to the same, or his heirs, such person or persons, purchaser or assignee, shall, before such warrant shall issue, be required to prove to the satisfaction of the Secretary or Comptroller of State, appointed to adjudicate the same, that such person, purchaser or assignee had bonafidely paid a valuable consideration therefor, and that such original owner or his heirs, has been bonafide and honestly paid for his claim to such warrant or grant as the case may be, a fair and valuable consideration.

Mr. Turney also offered an amendment to the first section of the bill, which was adopted.

The question was thereupon had upon the amendment offered by

Mr. Coe, which was adopted; and then recurred upon the amendment of Mr. Turney in lieu of the fourth section, which amendment was rejected—ayes 9, noes 11.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Brown, Frey, Jones of Hickman, Jones of Lincoln, Sevier, Turney, Walton and Speaker Coe—9.

Those who voted in the negative were

Messrs. Aiken, Balch, Gillespy, Laughlin, Love, Reneau, Smith, Terry, Warner, Wheeler, and Yoakum—11.

So said amendment was rejected.

Mr. Jones of Hickman offered the following to, wit:

*Be it enacted*, That nothing herein contained shall be so construed as to authorize the commissioner or commissioners hereby appointed to adjudicate and adjudge any land warrant or certificate of warrant to be genuine, that has been entered upon any land, unless it shall be made to appear to the satisfaction of the commissioners aforesaid, that the said land entered as aforesaid, was before entered by a genuine land warrant or certificate of such warrant, and that in consequence of said original entry a genuine title has been obtained to the said land, and that the said land has not been, nor is subject to be entered by any law making provisions for general entry, and that the commissioners hereby appointed shall be satisfied, before issuing any certificate, that the claim upon which it is issued is based upon a good and bona fide warrant, and has never been satisfied.

And thereupon the question was had, and said amendment was rejected.

The question then recurred upon the amendment offered by Mr. Brown to strike out the 4th section, and being thereon had, said amendment was rejected—ayes 8, noes 13.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Brown, Jones of Hickman, Jones of Lincoln, Sevier, Turney, Walton and Speaker Coe—8.

Those who voted in the negative were

Messrs. Aiken, Balch, Frey, Gillespy, Hardwicke, Laughlin, Love, Reneau, Smith, Terry, Warner, Wheeler and Yoakum—13.

So said amendment was rejected.

The question then recurred upon the amendment of Mr. Love, in lieu of the whole: which was adopted. Thereupon the bill was read a third time and passed—ayes 11, noes 10.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Laughlin, Love, Reneau, Smith, Terry, Warner, Wheeler and Yoakum—11.

The negative voters were

Messrs. Ashe, Brown, Frey, Hardwicke, Jones of Hickman, Jones of Lincoln, Sevier, Turney, Walton and Speaker Coe—10.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A message from the House of Representatives by Mr. Crockett, their clerk:

Mr. Speaker: The House of Representatives have read a third time and passed, with an amendment in lieu of the bill, a bill for the relief of John H. Johnson.

Thereupon the Senate concurred with said amendment—ayes 17, noes 5.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Frey, Gillespy, Hardwicke, Jennings, Laughlin, Love, Reneau, Sevier, Smith, Terry, Walton, Warner, Wheeler and Yoakum—17.

Those who voted in the negative were

Messrs. Jones of Hickman, Jones of Lincoln, Turney, Warner and Speaker Coe—5.

And so that part of said message was concurred with.

The House have also passed a third time, with an amendment, the bill to incorporate the citizens of Hampshire, in the county of Maury.

Mr. Wheeler moved to amend the amendment proposed by the House by inserting the words 'incorporated towns being the county seat of any county,' which motion prevailed.

Mr. Turney moved a nonconcurrence with that part of the House amendment which proposes to strike out the 4th section; which motion prevailed.

*Ordered*, That the clerk acquaint the House of Representatives therewith.

Mr. Yoakum moved to take up the motion to reconsider the vote rejecting the bill to regulate banks and banking.

And thereupon the question was had and determined in the negative, ayes 12, noes 9. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Terry, Warner and Yoakum—12.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Reneau, Sevier, Turney, Wheeler and Speaker Coe—9.

So said bill was reconsidered.

The question was thereupon had upon the passage of said bill, and it was rejected—ayes 11, noes 11.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Terry, Warner, Wheeler and Yoakum—11.

Those who voted in the negative were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Frey, Marshall, Reneau, Sevier, Turney and Speaker Coe—11.

And so said bill was rejected.

The following protest was, on motion of Mr. Turney, ordered to be spread upon the journals, to wit:

We the undersigned, beg leave most respectfully to enter our protest to a bill entitled, a bill to provide for the adjudication of unsatisfied land claims, and to the passage thereof, because we believe that all honest and bona fide land claims have long since been satisfied, not only so, but that dishonest claims have accumulated from time to time, until the number of warrants have been made tenfold.

We further believe, that to afford a settlement and a home for the citizens of our country, should be a paramount object in Legislation, and instead of giving the warrants to speculators, to be sold to the occupants, we would rather give the land to the settler who has cleared the same, and because a useful citizen.

We believe the passage of said bill is calculated to cheat the State out of the piece of said land and give it to the speculator, and further to oppress the honest occupant by forcing him to purchase his land of the speculator.

(Signed) S. Turney, L. H. Coe, V. Sevier, John B. Ashe, H. H. Brown, D. G. Jones, H. Frey, Geo. W. Jones.

A bill to establish an additional branch of the Bank of Tennessee at Knoxville, was taken up and read a third time and rejected.

A bill to condense and bring into one view the law regulating certain privileges to provide for the comfort and security of travellers, and to restrain vice and immorality, was taken up, read and rejected—ayes 11, noes 13.

The ayes and noes being required, those who voted in the affirmative were,

Messrs. Aiken, Anderson, Balch, Brown, Gillespy, Hardwicke, Jones of Hickman, Laughlin, Terry, Turney and Wheeler—11.

Those who voted in the negative were

Messrs. Ashe, Frey, Jennings, Jones of Lincoln, Love, Marshall, Reneau, Sevier, Smith, Walton, Warner, Yoakum and Mr. Speaker Coe—13.

And so said bill was rejected on its first reading in the Senate.

A bill making an appropriation of money to defray the expenses of the present General Assembly, was taken up, read a second time, passed and referred to the committee on finance.

A bill for the relief of Henry Stephens, of Monroe county, was taken up, read a third time, passed and ordered to be transmitted to the House of Representatives.

A bill to authorize the Cumberland and Stone's river turnpike company to surrender their charter for a part of said road, was read.

Mr. Turney offered an amendment providing that Washington York and Joseph Cummings may open a turnpike road, commencing at a point on Ross's turnpike road, east of Caney Fork river, on Cumberland mountain, in a direction westwardly, in Van Buren county; which

amendment was rejected;—and thereupon the bill passed its second reading.

A bill to dispose of the profits of the penitentiary, and for other purposes, was read and passed a second time.

Then the Senate adjourned.

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THURSDAY MORNING, Jan. 23, 1840.

Mr. Yoakum from the committee on public lands, to whom was referred, a resolution relative to Solomon Copeland, John M'Keman and others, made the following report, to wit:

The committee on public lands, who yesterday reported in favor o the claims of Solomon Copeland, John M'Keman and others beg leave to state in behalf of the justice of the claims, that the Salt Lick reservation lying in the counties of Henry and Humphreys, and embracing a territory of four miles square and which had been reserved to the Chickasaw Indians by the fourth arttcle of the treaty of Old Town, was not to entry or to the location of said warrants, until the passage of the act of Congress, approved 3d of March 1839; entitled, An act for the relief of certain settlers living on what is called Salt lick reservation in the Western District of Tennessee. By that act the occupants on the reservation were entitled to the same privileges as other occupants in the Western District. The claimants previous to the passage of the act of Congress laid their warrants upon said lands reserved, believing that the same was subject to entry. The lands have been, and are now occupied by settlers, who claim and no doubt will hold the same under said act of Congress. They only ask the privilege of withdrawing their warrants, and having them re-adjudicated by the proper authority; which your committee, as they have heretofore recommended, believe ought to be done.

Mr. Frey from the committee of enrollments, reported as correctly enrolled, an act to authorize the entry taker of the Ocoee district to correct mistakes and refund money.

Thereupon the Speaker signed said enrolled act act, and ordered it to be transmitted to the House of Representatives.

Mr. Yoakum submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That the Acts and Journals of each house at the present session of the General Assembly be printed and distributed in the same number and manner as was prescribed for the printing and distribution of the acts and journals of the last General Assembly by joint resolution adopted Nov. 14, 1837. And that the public and private acts be bound in one volume. Which was read and adopted.

A bill to authorize the Cumberland and Stone's river turnpike company to surrender their charter for a part of said road, was read and passed—ayes 19.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Sevier, Smith, Turney, Warner, Wheeler, Yoakum and Speaker Coe—19.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill to dispose of the profits of the penitentiary and for other purposes, was read a third time and passed—ayes 16, noes 2.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Balch, Brown, Frey, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Love, Reneau, Sevier, Smith, Turney, Warner, Yoakum and Speaker Coe—16.

The negative voters were

Messrs. Jones of Hickman and Wheeler—2.

So said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill for the benefit of James Vaughan of Monroe county, was read a second time and rejected—ayes 9, noes 9.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Brown, Gillespy, Hardwicke, Laughlin, Love, Sevier, Smith and Yoakum—9,

The negative voters were

Messrs. Balch, Jones of Hickman, Jones of Lincoln, Reneau, Turney, Walton, Warner, Wheeler and Speaker Coe—9.

So said bill was rejected.

A bill concerning the herding of cattle was read third time and passed, and ordered to be engrossed and transmitted to the House of Representatives.

A bill to provide for the appealing Judges to hold county elections and for other purposes, was read a third time and passed—ayes 20.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Sevier, Smith, Walton, Warner, Wheeler, Yoakum and Mr. Speaker Coe—20.

And so said bill passed its third and last reading, ordered to be engrossed and transmitted to the House of Representatives.

Mr. Love returned with an amendment in lieu of the whole, a bill to repeal an act passed on the 9th day of February 1836, entitled, an act to provide for the appointment of a collector of the revenue, and define his duties and for other purposes, which was read and ordered to the table.

A bill to incorporate the Duck river steam navigation company was read.

Mr. Warner offered an amendmeut, which was accepted, providing for the extension of said navigation above Columbia at a future period. And thereupon the bill passed its second reading.

Mr. Laughlin asked leave to introduce, a bill declaring the act of 1823, ch. 33, to be in force, and regulating the manner of executing the provisions of the same.

Mr. Turney moved a suspension of the rule so as to permit Mr. Laughlin to introduce said bill, which motion failed—ayes 11, noes 11.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Balch, Brown, Gillespy, Hardwicke, Jones of Hickman, Laughlin, Love, Turney, Wheeler and Speaker Coe—11.

The negative voters were,

Messrs. Ashe, Frey, Jennings, Jones of Lincoln, Marshall, Reneau, Sevier, Smith, Walton, Warner and Yoakum—11.

So said motion failed.

A bill from the House of Representatives, appointing commissioners to view and lay off an alteration on part of the road leading from Newport to Sevierville, was read a first time and passed.

A bill to secure the State in the trial of criminal cases, was read and passed a first time, and referred to the judiciary committee.

A bill to appropriate the school fund in the Ocoee district to the use of schools for the instruction of children therein, was read a first time and passed.

A message from the House of Representatives by Mr. Crockett, their Clerk:

Mr. Speaker: The House of Representatives have adopted a resolution in relation to land warrant Number 3110. They have also adopted a resolution in relation to the securities of Benjamin S. Mabry late sheriff of Wilson county, with which they ask your concurrence.

And then he withdrew. Whereupon the said first resolution was read and concurred with. The said second resolution was thereupon read, and slightly amended on motion of Mr. Anderson. And the question 'will the Senate concur therewith,' being had it was determined in the affirmative—ayes 18.

The ayes and noes being demanded the affirmative voters were

Messrs. Anderson, Balch, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Turney, Walton, Yoakum and Speaker Coe—18.

Mr. Jones of Hickman voting in the negative.

So said resolution was concurred with.

A bill to incorporate the Tennessee and Hatchie canal company.

A bill to amend an act entitled, an act to establish turnpike bridges in the Western District.

A bill to prescribe the time the several laws in this State shall take effect.

A bill repealing all laws declaring the little North fork of Forked Deer river navigable to Lee's mill.

A bill to repeal an act entitled, an act to attach a part of Perry county to the county of Wayne passed Dec. 26, 1837.

A bill to amend an act chartering the Bank of the State of Tennessee passed Nov. 20, 1811.

A bill more especially to provide for the collection of the public revenue from delinquents.

A bill to authorize the citizens of Cocke county to build mill dams across Big Pigeon river in Cocke county. And

A bill to legalize the location of the Franklin and Columbia turnpike road, were each and severally read a first time and passed.

A bill to authorize the county trustees of the counties of Bedford, Rutherford and Davidson counties to receive such monies as said counties may respectively be entitled to upon the internal improvement and common school funds of said county, invested in the capital stock of the Nashville, Murfreesboro' and Shelbyville turnpike company.

A bill to authorize judgment by note to be taken against the clerks of the several counties of this State for failing to render an account, and pay in monies by them collected for the use of the several counties of the State.

A bill to alter and amend the eleventh section of chapter seventeen of the public acts of 1835–6.

A bill to declare the Conasawga river navigable,

A bill to alter and amend the several acts in relation to the Bean's Station Turnpike road,

A bill giving further time for obtaining grants in the Hiwasse District,

A bill to provide for the entry of sites for meeting and school houses in the Ocoee District,

A bill to amend an act to incorporate the town of Athens,

A bill to incorporate the Female Academy at Hartsville, and

A bill to explain an act passed November 7, 1837, conferring additional authority on the commissioners of the town of Perryville, and for other purposes,—were each and severally read a first time and passed.

A bill to condense and bring into one view the militia law of the State of Tennessee, without being read, Mr. Yoakum moved to lay on the table; which motion prevailed—ayes 12, noes 10.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Balch, Brown, Hardwicke, Laughlin, Marshall, Sevier, Smith, Walton, Warner, Wheeler, Yoakum and Speaker Coe—12.

The negative voters were,

Messrs. Anderson, Ashe, Frey, Gillespy, Jones of Hickman, Jones of Lincoln, Love, Reneau, Terry and Turney—10.

So said motion to lay on the table was sustained.

Mr. Jones of Lincoln moved to take up the foregoing bill; which motion prevailed.

Mr. Yoakum moved to make it the order of the day for the first Monday of February; which motion failed—ayes 10, noes 10.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Brown, Reneau, Sevier, Smith, Walton, Warner, Wheeler and Speaker Coe—10.

Those who voted in the negative were Messrs. Anderson, Balch, Frey, Gillespy, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Terry and Turney—10.

So said motion to lay on the table was rejected.

The said bill was thereupon read a first time and rejected—ayes 10, noes 10.

The ayes and noes being demanded, the affirmative voters were

Messrs. Ashe, Frey, Gillespy, Jones of Hickman, Laughlin, Love, Reneau, Terry, Turney and Warner—10.

The negative voters were

Messrs. Anderson, Balch, Brown, Hardwicke, Marshall, Sevier, Smith, Wheeler, Yoakum and Speaker Coe—10.

And so said bill was rejected.

Mr. Balch introduced a bill to amend the act of 1822, ch. 183, was read a first time and passed.

A bill to provide for the appointment of an additional justice of the peace in the county of Perry, was read a first time in the Senate and rejected.

A bill from the House of Representatives to repeal all laws declaring Wolf river navigable,

A bill to authorize the county court of Hamilton county to prevent the building of mills in certain cases,

A bill to authorize William Brown, Joseph Kimbrough and William K. Waddy to open a turnpike road,

A bill to extend the corporate limits of the town of Gallatin in the county of Sumner,

A bill to encourage the manufacturing of iron in the Ocoee district,

A bill to improve public ferry boats,

A bill to amend the charter of Aaron Higginbotham's turnpike road,

A bill to change the time of holding regimental musters in the 21st brigade, Tennessee militia,

A bill to give the county courts authority to elect commissioners on the Obion river, and for other purposes,

A bill to incorporate the town of Charleston,

A bill granting further time to Samuel B. Mead to complete his turnpike road across the Lookout mountain.

A bill to incorporate the Memphis Female Academy, and for other purposes.

A bill to encourage the killing of wolves in Morgan county,

A bill for the benefit of certain persons residing on part of Walden's ridge, in Rhea county,

A bill to confer certain privileges on the cammissioners of the town of Dyersburg,

A bill to increase the compensation of witnesses summoned before justices of the peace, and for other purposes,

A bill to amend an act constituting Robert Burke proprietor of a turnpike road from Sparta to the Crab Orchard, passed 20th October, 1831,—were each and severally read a first time and passed.

A bill giving further time for running out entries and obtaining

grants founded on good and valid warrants, was read a first time and passed.

A bill prescribing the mode of choosing electors to vote for President and Vice President of the United States, was read.

Mr. Wheeler offered an amendment in lieu of the second section, containing the same provisions of the late law on that subject; which was rejected—ayes 8, noes 14.

The ayes and noes being demanded the affirmative voters were

Messrs. Anderson, Frey, Gillespy, Jones of Hickman, Jones of Lincoln, Love, Wheeler and Yoakum—8.

Those who voted in the negative were

Messrs. Aiken, Ashe, Balch, Brown, Hardwicke, Laughlin, Marshall, Reneau, Sevier, Smith, Terry, Turney, Warner and Speaker Coe—14.

So said amendment was rejected, and then said bill passed a second reading.

Mr. Jones of Lincoln, from the committee on Finance, to whom was referred the bill making an appropriation of money to defray the expenses of the present session of the General Assembly, reported an amendment in lieu of the whole from the enacting clause, which amendment was received. Thereupon the bill was read as amended a third time and passed—ayes 24.

The ayes and noes being demanded the affirmative voters were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Frey, Gillespy, Hardwicke. Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Terry, Turney, Walton, Warner and Speaker Coe—24.

A bill to suspend the entry of land in the Ocoee district, was read a second time and passed.

A bill to locate additional branches of the Planters bank and for other purposes, was read a third time and passed, and ordered to be transmitted to the House of Representatives.

A bill for the relief of Henry Stevens of Monroe county, was read a second time and passed.

A bill to incorporate the trustees of the Ripley academy, in Lauderdale county, was read a first time in Senate and rejected.

A bill to establish a Chancery court at Clarksville, was read a second time.

Mr. Turney offered an amendment providing that the citizens of Stewart county shall have the privilege of filling their bills, either at Charlotte or Clarksville; which amendment was accepted.

And thereupon the question was had and determined in the negative—ayes 9, noes 10. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Jones of Hickman, Marshall, Reneau, Sevier, and Terry—9.

Those who voted in the negative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Lincoln, Love, Smith, Turney; Yoakum and Speaker Coe—10.

So said bill was rejected.

Mr. Balch moved a reconsideration of the vote rejecting the bill allowing Miller Francis, Treasurer of the State, office rent, which motion prevailed. Whereupon the bill was taken up and read.

Mr. Marshall moved to strike out so much of the bill as allows office rent while treasurer of East Tennessee; which motion prevailed.

Thereupon the bill passed its second reading.

Mr. Laughlin's resolution of the 21st instant, in relation to the banks, was taken up and read; and he thereupon offered the following amendment, to wit:

And if said banks declare any dividend while they shall remain in suspension, the same shall be cause of forfeiture of their charters, and the attorney General is forthwith directed to issue a scire facias in the manner as above directed.

Said amendment was adopted,—ayes 12, noes 6.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Laughlin, Love, Smith, Warner, Yoakum and Speaker Coe—12.

Those who voted in the negative were

Messrs. Anderson, Frey, Marshall, Reneau, Sevier and Terry—6.

And so said amendment was adopted.

Mr. Laughlin, offered the following additional amendment, to wit:

*Resolved*, That the Bank of Tennessee and branches are required fully to resume the payment of all their notes and other liabilities, according to the tenor of the same, on or before the time when the above named banks shall resume.

Which was also adopted.

Mr. Jones of Lincoln offered the following in lieu of the whole—to wit:—

*Resolved by the General Assembly of the State of Tennessee*, That the President and Directors of the Bank of Tennessee and branches, the Union Bank of Tennessee and branches, the Planters Bank of Tennessee and branches, and the Farmers and Merchants Bank of Memphis be, and they are hereby respectively directed to resume the payment of all their notes, bills and other liabilities in the legal coin of the United States, on presentation, when due and payable, as in justice and common honesty they are bound to do.

*Resolved*, That in the opinion of this General Assembly, the said Union Bank of Tennessee, the said Planters Bank of Tennessee, and the said Farmers and Merchants Bank of Memphis, have violated and forfeited their respective charters of incorporation.

*Resolved*, That should said Union Bank of Tennessee and said Planters bank of Tennessee fail and refuse to comply with the requisition made in the first of these resolves to resume specie payments within two months from and after the adoption of these resolutions, then and in that case the Attorney General for the State be, and he is hereby directed to have issued from the Supreme court, a writ or writs of scire facias, as the case may be, against either or both of said banks, calling upon them to show cause why their said charters shall not be declared

forfeited, and the said Attorney General is hereby directed to prosecute such suit or suits to final judgment.

*Resolved*, That should the said Farmers and Merchants Bank of Memphis fail and refuse to comply with the directions and requisitions in the first of these resolves, to resume and continue in good faith the redemption of its notes, bills and other obligations, within two months after the adoption of these resolves, then and in that case the Attorney General of the 11th Judicial Circuit shall cause to be issued from the circuit court of Shelby county, a writ of scire facias, calling on said bank to show cause why the charter of said bank shall not be declared forfeited; and the said Attorney General is hereby directed to prosecute such suit to final judgment.

And thereupon the question was had and determined in the affirmative—ayes 13, nays 8. The ayes and noes being demanded, the affirmative voters were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gillespy, Jones of Lincoln, Marshall, Reneau, Sevier, Terry, Turney and Yoakum—13.

Those who voted in the negative were

Messrs. Aiken, Hardwicke, Jones of Hickman, Laughlin, Love, Smith, Warner and Speaker Coe—8.

So said amendment was adopted in lieu of the original bill.

Mr. Yoakum moved a reconsideration of the vote adopting the foregoing amendment; which motion failed—ayes 9, noes 12.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Balch, Hardwicke, Jones of Hickman, Laughlin, Love, Smith, Warner, Yoakum and Speaker Coe—9.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Gillespy, Jones of Lincoln, Marshall, Reneau, Sevier, Terry, Turney and Wheeler—12.

And so said motion to reconsider was rejected.

Thereupon the question was had upon the adoption of the resolution as amended, which carried—ayes 11, noes 10.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Balch, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Love, Terry, Warner, Wheeler, Yoakum and Speaker Coe—11.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Jones of Hickman, Marshall, Reneau, Sevier, Smith and Turney—10.

And so said resolution was adopted.

And then the Senate adjourned.

FRIDAY MORNING, Jan. 24, 1840.

Mr. Terry from the committee of enrollments, reported as correctly enrolled, an act to incorporate the Nashville and White's creek springs turnpike company. And

An act to amend the fifth section of an act entitled, an act setting forth the property real and personal, and the privileges and occupations liable to taxation in this State. And

An act to extend the corporate limits of the town of Hartsville in Sumner county, which were severally signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

Mr. Warner moved a re-consideration of the vote adopting the resolution on yesterday requiring the several banks in this State to resume specie payment, which motion prevailed—ayes 17, noes 6.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Hardwicke, Jennings, Jones of Hickman, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Turney, Walton, Warner and Speaker Coe—17.

Those who voted in the negative were

Messrs. Balch, Gillespy, Jones of Lincoln, Terry, Wheeler and Yoakum—6.

So said resolution was re-considered.

Mr. Turney moved the previous question which was sustained–ayes 12, noes 11.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Jones of Hickman, Marshall, Reneau, Sevier, Smith, Turney and Walton—12.

Those who voted in the negative were

Messrs. Balch, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Love, Terry Warner, Wheeler and Mr. Speaker Coe—10.

Said call for the previous question was sustained.

The question was then put, 'will the Senate adopt the resolution as amended by Mr. Jones of Lincoln?' and it was determined in the negative—ayes 9, noes 14.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Balch, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Love, Terry, Wheeler and Yoakum—9.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Jones of Hickman, Marshall, Reneau, Sevier, Smith, Turney, Walton, Warner and Mr. Speaker Coe—14.

So said resolution was rejected.

Mr. Hardwicke introduced

A bill to provide for the distribution of the acts and journals which was read a first time and passed.

Mr. Gillespy submitted the following, to wit:

*Resolved by the General Assembly of the State of Tennessee*, That

the President and Directors of the Bank of Tennessee, be and are hereby directed and required to apportion the banking capital of said bank in the several branches of said bank districts in this State upon the basis of the qualified voting population of each bank district, and that the discounts and accommodations of said bank, be directed and required to be made in each bank district including the principal bank district, in each conuty of such district, upon the basis aforesaid. And if said principal bank or any of its branches shall have excluded in their discounts and accommodations to any county of bank district, the amount to which such county may be entitled upon the basis aforesaid, said president and directors be directed to extend the discounts and accommodations in such county until the loans and accommodations therein shall not exceed the sum to which such county shall be entitled upon the basis aforesaid.

The resolution to amend the fourth section of the tenth article of the Constitution of this State was taken up and adopted—ayes 14, noes 9.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Balch, Brown, Frey, Gillespy, Hardwicke, Jennings, Laughlin, Love, Marshall, Sevier, Terry, Turney and Walton—14.

The negative voters were

Messrs. Anderson, Jones of Hickman, Jones of Lincoln, Reneau, Smith, Warner, Wheeler, Yoakum and Speaker Coe—9.

So said resolution was adopted.

A bill from the House of Representatives to provide for the collection, safe keeping and equal distribution of the common school fund.

On motion of Mr Laughlin the Senate resolved itself into a committee of the whole on the said bill,

Mr. Frey in the chair, and after some time spent in the consideration thereof, the committee rose, reported sundry amendments thereto, and with the amendments recommended the passage of the bill. Said report was concurred with, and the bill as amended was read a first time and passed, and referred to the committee on education and common schools.

Mr. Smith returned with an amendment, which was accepted,

A bill to incorporate the Duck river steam navigation company.

Mr. Jones of Lincoln offered the following amendment thereto, to wit:

*Be it enacted*, That the individual property, real and personal and mixed of the stockholders of the company herein incorporated shall be liable for the debts of said incorporated company, and may be levied on and sold to satisfy such debts.

Mr. Smith moved to lay said amendment on the table.

And thereupon the question was had and determined in the affirmative—ayes 14, noes 7. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Gillespy, Jennings, Love, Marshall, Reneau, Sevier, Smith, Turney, Walton and Speaker Coe, 14.

The negative voters were

Messrs. Balch, Jones of Hickman, Jones of Lincoln, Laughlin, Warner, Wheeler and Yoakum—9.

So said amendment was laid on the table.

Mr. Jones of Lincoln offered the following amendment.

*Be it enacted*, That the General Assembly may alter, amend, modify, or repeal this act or any of its provisions.

Mr. Smith moved to lay said amendment on the table, which motion prevailed—ayes 16, noes 5.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Brown, Frey, Gillespy, Jennings, Jones of Hickman, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Turney, Walton, Warner and Speaker Coe—16.

The negative voters were

Messrs. Ashe, Balch, Jones of Lincoln, Wheeler and Yoakum—5.

So said amendment was ordered to the table.

Mr. Marshall offered the following amendment, to wit:

Provided that nothing in this act contained shall be so construed as to authorize any interference with the rights of any citizens of the United States or others to pass, or use the said river as one of the public navigable rivers of this State.

Mr. Smith moved to lay said amendment on the table, which motion prevailed.

Mr. Jones of Lincoln offered the following amendment, to wit:

*Be it enacted*, That nothing herein contained shall be so construed as to authorize any person to obstruct the passage of water in a slough of Duck river in Hickman county, on which Richard Wilkins now has a grist mill erected, in any manner contrary to the provisions of an act passed by the present General Assembly, entitled, an act to protect the owners of mills in the enjoyment of their rights.

Mr. Smith moved to lay said amendment on the table, which motion prevailed.

Mr. Yoakum offered the following which was accepted:

Provided that nothing in this act contained shall be so construed as to interfere with the vested rights of John D. Freeland.

The question was then had upon the passage of the bill, and determined in the affirmative—ayes 12, noes 10.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Brown, Hardwicke, Jennings, Laughlin, Love, Reneau, Sevier, Smith, Turney, Warner and Speaker Coe—12.

The negative voters were

Messrs. Ashe, Balch, Frey, Gillespy, Jones of Hickman, Jones of Lincoln, Marshall, Walton, Wheeler and Yoakum—10.

And so said bill passed its third reading was ordered to be engrossed and transmitted to the House of Representatives.

A message from the House of Representatives by Mr. Crockett their Clerk.

Mr. Speaker: The House of Representatives non-concur with your

amendment to the bill to make penal the misuse or misapplication of the public money.

Mr. Jones of Lincoln moved that the Senate recede from said amendment.

And thereupon the question was had and determined in the negative—ayes 7, noes 13. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Balch, Jones of Lincoln, Smith, Terry, Wheeler and Yoakum—7.

Those who voted in the negative were

Messrs. Anderson, Brown, Frey, Gillespy, Hardwicke, Laughlin, Love, Reneau, Sevier, Turney, Walton, Warner and Mr. Speaker Coe—13.

So said motion to recede was rejected.

On motion of Mr. Gillespy it was ordered that an insisting message be sent to the House of Representatives.

The House of Representatives have concurred with your amendment to a bill to consolidate the offices of entry taker and surveyor in Hickman and Blount counties, with a slight amendment thereto, which was concurred with by the Senate.

They concur with the Senates amendment to a resolution for the relief of the securities of B. S. Mabry, late sheriff of Wilson county.

They concur with your amendment to a bill for the relief of such persons as made improvements upon school sections in the Ocoee District.

They concur with your amendment to their amendment to a bill to authorize the county courts of Bradley and Polk counties to elect surveyors and for other purposes; and non-concur with the fourth amendment proposed by the Senate. Whereupon the Senate receded from said amendment.

They concur with your resolution to appoint a joint select committee on the outstanding claims against the lunatic asylum, and the Speaker has appointed Messrs. Watson, Buford and Perkins to be of said committee on the part of the House.

They concur with your amendment to their amendment to a bill to incorpoate the inhabitants of Hampshire.

They concur with your amendment to a bill to give the citizens residing in the fractional parts of Marshall county the privilege to file their bills either at Shelbyville, Fayetteville or Columbia, with sundry amendments herewith transmitted, in which they ask the concurrence of the Senate.

The House recedes from so much of their amendment to a bill to distribute the academy monies and for other purposes, as proposed to 'strike out Balch' and insert 'Emmet.' They insist on so much of their amendment as proposes to strike out Murfreesboro' Female Academy, and also so much as proposes to strike out all of the second section after the word county.

They have also read and passed a third time, a bill from the Senate

to prevent honest debtors from oppression, with an amendment in lieu of the whole bill, in which they ask the concurrence of the Sentate.

The Senate concurred with two amendments proposed by the House to the bill to establish a Chancery court at Lewisburg in Marshall county and for other purposes, and on motion of Mr. Frey the said bill was ordered to the table.

On motion of Mr. Yoakum it was ordered that a committee of conference be appointed to confer with such committee as may be appointed by the House. Whereupon the Speaker of the Senate appointed Messrs, Yoakum, Gillespy and Anderson to be of said committee on the part of the Sentate.

A bill to amend and explain the ect of 1823, ch. 183, which was read a second time and passed.

A bill to legalize the location of the Franklin and Columbia turnpike company, was read.

Mr. Marshall offered an amendment which was received; and being further amended on motion of Mr. Smith, said bill passed its second reading.

A bill prescribing the mode of choosing electors to vote for President and Vice President of the United States, was read a third time.

Mr. Aiken moved to insert 'Washington and Jonesboro' after 'Jackson;' which motion prevailed.

Thereupon the bill passed its third reading—ayes 20, noes 3.

The ayes and noes being demanded by the constitution, the affirmative voters were

Messrs. Aiken, Anderson, Balch, Brown, Frey, Gillespy, Hardwicke, Jennings. Laughlin, Love, Marshall, Reneau, Sevier, Smith, Terry, Turney, Warner, Yoakum and Speaker Coe—20.

The negative voters were

Messrs. Jones of Hickman, Jones of Lincoln and Wheeler—3.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill more effectually to provide for the collection of the public revenue from delinquent officers, was read a second time and passed.

The Senate resumed the consideration of the amendment of the House of Representatives to the bill to establish a chancery court at Lewisburg, in the county of Marshall; which amendment proposes that there shall be a chancery court established at Clarksville. Said amendment was concurred with—ayes 11, noes 10.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Jones of Hickman, Marshall, Reneau, Sevier, Terry and Walton—11.

Those who voted in the negative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Lincoln, Love, Smith, Wheeler, Yoakum and Speaker Coe—10.

And so said amendment was concurred with.

A bill to authorize judgment by motion to be taken against clerks of the several courts of this State, for failing to render an account and

paying over monies by them collected for the use of the several counties of this State, was read a second time and passed.

A bill appointing commissioners to view and lay off an alteration in part of the road leading from Newport to Sevierville was read.

Mr. Reneau moved to strike out the sixth section of the bill, and insert, except by the order of two thirds of the justices of the county court of the county wherein such change may be proposed;—which amendment was adopted, and the bill passed a second time.

Mr. Hardwicke moved to send a message to the House of Representatives, and ask for the return of the bill establishing a Chancery court at Lewisburg, for further action thereon.

And thereupon the question was had and determined in the negative, ayes 12, noes 10. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Love, Turney, Warner, Wheeler, Yoakum, and Speaker Coe—12.

Those who voted in the negative were

Messrs. Anderson, Brown, Frey, Jennings, Jones of Hickman, Marshall, Reneau, Sevier, Terry and Walton—10.

And so said motion prevailed.

A bill to amend an act chartering the Bank of the State of Tennessee, passed Nov. 20, 1811, was taken up and read.

Mr. Laughlin moved to amend by providing that it shall not be necessary for more than five directors to reside in Sparta or White county, and that one director shall reside in each of the seven counties composing said district; which amendment was adopted.

Mr. Turney offered the following, to wit:

*Be it enacted*, That when the Governor shall nominate the board of Directors for the Bank of Tennessee, the General Assembly shall elect and designate the person from among the Board of Directors, upon the confirmation of said nominations, who shall be President of said Bank.

Mr. Anderson moved to lay said amendment on the table.

And thereupon the question was had and determined in the affirmative—ayes 13, noes 10. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gillespy, Jennings, Jones of Lincoln, Marshall, Reneau, Sevier, Walton and Wheeler—13.

The negative voters were

Messrs. Aiken, Hardwicke, Jones of Hickman, Laughlin, Love, Smith, Terry, Turney, Yoakum and Speaker Coe—10.

So said amendment was ordered to the table.

A bill to suspend the entry of land in the Ocoee district, was read a third time and passed—ayes 23.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Terry, Turney, Walton, Warner, Wheeler and Yoakum—23 Mr. Speaker Coe voting in the negative—1.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill to encourage the killing of wolves in Morgan county, and

A bill giving further time for obtaining grants in the Hiwassee district, were each and severally read a second time and passed.

Then the Senate adjourned.

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SATURDAY MORNING, Jan. 25, 1840.

A message from the House of Representatives by Mr. Crockett their clerk.

Mr. Speaker: The Speaker of the House of Representatives did this day sign an enrolled resolution directory to the Secretary of State;

An act to locate additional branches of the Planters bank and for other purposes;

A joint resolution for the relief of the securities of Benjamin S. Mabry, late sheriff of Wilson county; and

A resolution authorizing Samuel R. Rogers to compromise a controversy between the State and one of the bank agents, in the Blount county court.

And then he withdrew. Whereupon the Speaker of the Senate signed said enrolled act and resolutions, and ordered them to be deposited in the office of the Secretary of State.

Mr. Yoakum, from the committee on education and common schools to whom was referred a bill for the collection and safe keeping and equal distribution of the common school funds, reported that the committee have had the same under consideration, and had instructed him to recommend its rejection.

Said report was concurred with, and the bill rejected.

Mr. Frey, from the committee on enrollments, reported as correctly enrolled, a bill to abolish imprisonment for debt except in cases of fraud.

Whereupon the Speaker signed said enrolled act, and ordered it to be deposited in the office of the Secretary of State.

On motion of Mr. Laughlin, Mr. Wheeler was added to the committee on Federal relations.

Mr. Jennings, from the joint select committee to whom was referred a resolution for enquiring into the financial concerns of the Lunatic Asylum, submitted a report from said committee, which was on his motion laid on the table.

Mr. Marshall returned with sundry amendments, proposed by the House of Representatives, a bill to repeal all laws authorizing the Governor of the State to subscribe for stock in any internal improvement company in behalf of the State, and for other purposes.

The Senate thereupon took up and considered the said amendments as proposed by the House and concurred with the first.

Mr. Marshall moved a nonconcurrence with so much of the House amendment as propose- to strike out the third section and make an in- tion in lieu thereof.

And thereupon the question was had and determined in the negative—ayes 9, noes 13. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Brown, Frey, Jennings, Jones of Lincoln, Marshall, Sevier, Walton and Warner—9.

The negative voters were

Messrs. Ashe, Balch, Gillespy, Hardwicke, Jones of Hickman, Laughlin, Love, Reneau, Terry, Turney, Wheeler, Yoakum and Speaker Coe—13.

So the Senate refused to nonconcur.

The Senate also concurred with the amendment proposed by the House to the second section of said bill.

Mr. Turney moved to nonconcur with the amendment of the House proposed to the 4th section of said bill; which motion prevailed.

The Senate concurred with the proposal of the House to amend by adding an additional section.

Mr. Marshall moved to amend the said amendment by adding the following:

Providing that the Governor, Comptroller and Attorney General shall not be bound to issue bonds in any case, unless they shall be satisfied in the correctness thereof—which amendment was accepted.

Mr. Marshall moved a nonconcurrence with so much of the 10th section as requires the money upon which bonds had purposely been issued, to be actually laid out in work before further bonds shall be issued; which motion failed—ayes 2, noes 20.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Gillespy and Marshall—2.

The negative voters were,

Messrs. Anderson, Balch, Brown, Frey, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Sevier, Smith, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Mr. Speaker Coe—20.

Mr. Jones of Lincoln moved to strike from the 10th section the words "competent engineer," where the same is a rail-road;—which prevailed.

The 11th section was then read.

Mr. Yoakum moved to amend by inserting "the individual stockholders;" which motion prevailed.

Mr. Jones of Lincoln moved to strike from the 11th section the words "to establish a State Bank and for other purposes," and insert "an act to establish a State Bank to raise a fund for internal improvement, and to aid in the establishment of a system of education; which motion prevailed,

Mr. Marshall moved a nonconcurrence with the 14th section, which motion prevailed.

Thereupon the 9th, 10th, 11th, 12th 13th and 15th sections, as amended, were severally read and concurred with.

A message from his Excellency Gov. Polk, by Daniel Graham, ad interim:—

*Gentlemen of the Senate*
*and House of Representatives:*

In pursuance of the act to establish a State Bank to raise a fund for Internal Improvement and to aid in the establishment of a system of education, passed January 19, 1838, I nominate to the General Assembly

Samuel R. Anderson, of Sumner county,
Jonathan Currin, of Rutherford,
Nicholas Perkins, of Williamson,
Obadiah G. Finley, of Wilson,
Joseph W. Horton, of Davidson,
William Nichol, of Davidson,
George W. Campbell of Davidson,
William Carroll, of Davidson,
Felix Robertson, of Davidson,
John Harding, of Davidson,
Willoughby Williams, of Davidson,

To be Directors of the Bank of Tennessee.

Executive Department, } JAMES K. POLK.
Nashville, Jan. 25, 1840. }

On motion of Mr. Yoakum, the foregoing communication was laid on the table

A bill from the House of Representatives, to incorporate the Central Female Academy, and

A bill to extend the corporate limits of the town of Gallatin in the county of Sumner, were severally read a second time and passed.

A bill to improve public ferry boats, was read a second time and rejected.

A bill to amend an act to incorporate the town of Athens,

A bill to encourage the manufacturing of iron in the Ocoee district,

A bill to amend an act entitled, an act to establish turnpike bridges in the Western District.

A bill to alter and amend the several acts in relation to the Bean's Station Turnpike road,

A bill giving further time for running out entries and obtaining grants founded on good and valid warrants, were severally read a first time and passed.

A bill to increase the compensation of witnesses summoned before justices of the peace, and for other purposes, was read a second time and rejected,

A bill to authorize the county trustees of the counties of Bedford, Rutherford and Davidson counties to receive such monies as said counties may respectively be entitled to upon the internal improvement and common school funds of said county, invested in the capital stock of the Nashville, Murfreesborough and Shelbyville turnpike company, was read a second time and passed.

A bill to incorporate the town of Charleston,

A bill to confer certain privileges on the commissioners of the town of Dandridge,

A bill to authorize William Brown, Joseph Kimbrough and William K. Waddy to open a turnpike road,

A bill to declare the Conasawga river navigable,

A bill to incorporate the Memphis Female Academy, and for other purposes.

A bill to provide for the entry of sites for meeting and school houses in the Ocoee District,

A bill to give the counties authority to elect commissioners for the Obion river, and for other purposes,

A bill to authorize the citizens of Cocke county to build mill dams across Big Pigeon river in Cocke county,

A bill repealing all laws declaring the little North fork of Forked Deer river navigable to Lee's mill,

A bill to appropriate the school fund in the Ocoee district to the use of schools for the instruction of children therein,

A bill to authorize the county court of Hamilton county to prevent the building of mills in certain cases, were severally read a second time and passed.

Mr. Marshall, from the judiciary committee, to whom was referred a bill to secure the State in the trial of criminal cases, reported that the committee have had the same under consideration, think its provisions reasonable, and had instructed him to recommend its passage.

Said report was concurred with, and the bill passed its second reading.

A bill for the benefit of certain persons residing on part of Walden's ridge, in Rhea county,

A bill to explain an act passed November 7, 1837, conferring additional authority on the commissioners of the town of Perryville, and for other purposes,

A bill to repeal an act entitled, an act to attach a part of Perry county to the county of Wayne,—were each and severally read a second time and passed.

A message from the House of Representatives by Mr. Crockett, their clerk:

Mr. Speaker: The House of Representatives have adopted a resolution to appoint a joint select committee to call upon and receive from R. H. M'Ewen, Superintendent of Public Instruction, all the books, papers and documents in relation to the office of Superintendent, and for other purposes.

Mr. Marshall moved to lay said resolution on the table.

And thereupon the question was had and determined in the affirmative—ayes 11, noes 10. The ayes and noes being demanded, the affirmative voters were

Messrs. Anderson, Ashe, Brown, Frey, Gillespy, Jennings, Marshall, Reneau, Sevier, Terry and Walton—11.

Those who voted in the negative were

Messrs. Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith,

Turney, Warner, Wheeler, Yoakum and Speaker Coe—10. So said resolution was ordered to the table.

A bill to repeal all laws declaring Wolf river navigable,

A bill to amend Aaron Higginbotham's turnpike road across the Cumberland mountain,

A bill granting further time to Samuel B. Mead to complete his turnpike road across the Lookout and Racckoon mountain. And

A bill authorizing a special term of the Chancery court at Sommerville, were each and severally read a second time and passed.

A bill to amend an act constituting Robert Burke proprietor of a turnpike road from Sparta to the Crab Orchard, passed 21st October, 1831,—was read a second time and rejected.

A bill to incorporate the turnpike and Hatchie canal company, was read a second time.

Mr. Jones of Hickman offered an amendment "providing that the company shall take no water out of the Tennessee river," which amendment was accepted; and thereupon the bill was read and rejected.

The Senate took up and considered the resolution from the House of Representatives appointing a joint select committee to call upon and receive from R. H. M'Ewen, superintendent of Public Instruction the books, papers and other documents belonging to said office. Said resolution was read and concurred with, and the Speaker appointed Messrs. Wheeler and Brown to be of said committee on the part of the Senate.

The resolution to amend the fourth section of the tenth article of the Constitution of this State, was taken up and read.

Mr. Yoakum offered the following as an amendment in lieu of the first article, to wit:

The Legislature shall not establish or authorize any person or corporation to establish any bank without the concurrence of two thirds of each House, and the legislature may at any time, two thirds of each house concurring thereon, repeal or modify any charter of incorporation whatever.

And thereupon the question was had and determined in the negative—ayes 7, noes 14. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Balch, Jones of Lincoln, Laughlin, Warner, Wheeler, Yoakum and Speaker Coe—7.

The negative voters were,

Messrs. Anderson, Ashe, Brown, Frey, Gillespy, Jennings, Jones of Hickman, Love, Marshall, Reneau, Sevier, Terry, Turney and Walton—14. So said amendment was rejected.

Mr. Warner moved to "strike out the first article."

And thereupon the question was had and determined in the negative—ayes 11, noes 12. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Wheeler, Yoakum and Speaker Coe—11.

Those who voted in the negative were Messrs. Anderson, Ashe, Balch, Brown, Frey. Gillespy, Jenniugs, Marshall, Reneau, Sevier. Terry and Walton—12.

So said amendment was rejected.

The question then recurred upon the adoption of the resolution and it was rejected—ayes 11, noes 12.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Ashe, Balch, Brown, Frey, Gillespy, Jennings, Marshall, Sevier, Terry, Turney and Walton—11.

The negative voters were

Messrs. Anderson, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Smith, Warner, Wheeler, Yoakum and Speaker Coe—12.

So said resolution was rejected.

A message from the House of Representatives by Mr. Crockett, their Clerk:

Mr. Speaker: The House of Representatives have had under consideration the several amendments proposed by the Senate to the House's amendment, and concur with those marked No. 183, and nonconcur with the one marked No. 2, to the bill to repeal all laws authorizing the Governor to issue bonds in behalf of the State in any work of internal improvement, and for other purposes.

And then he withdrew.

Mr. Jones of Lincoln moved that an insisting message be sent to the House asking a concurrence with said amendment, which motion prevailed—ayes 13, noes 10.

The ayes and noes being required, those who voted in the affirmative were,

Messrs. Anderson, Balch, Brown, Frey, Hardwicke, Jones of Hickman, Jones of Lincoln, Love, Marshall, Sevier, Terry, Walton and Warner—13.

Those who voted in the negative were

Messrs. Ashe, Gillespy, Jennings, Laughlin, Reneau, Smith, Turney, Wheeler, Yoakum and Speaker Coe—10.

So said motion was sustained.

Mr. Anderson moved a reconsideration of the vote rejecting the resolution to amend the 4th section of the 10th article of the Constitution of this State; which motion prevailed.

Mr. Terry moved to strike out all that part thereof after the first resolve; which motion prevailed.

Thereupon the said resolution was adopted—ayes 17, noes 5.

The ayes and noes being demanded the affirmative voters were

Messrs. Anderson, Ashe, Balch, Brown, Frey, Gillespy, Jennings, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Terry, Turney, Walton, and Speaker Coe—17.

Those who voted in the negative were

Messrs. Hardwicke, Jones of Hickman, Warner, Wheeler and Yoakum—5. So said resolution was adopted.

A bill from the House of Representatives to condense and bring into one view the militia law of the State of Tennessee, was read a second time and passed.

A bill to vest in the circuit courts of this State the power to restore certain persons to the rights of citizenship, was read a first time and passed.

A bill to explain and make more plain the first and second sections of an act passed the 9th day of February, 1836, entitled an act to provide for the appointment of a collector of the revenue, and to define his duty; was read a first time and passed.

A bill to refund to Brice A. Collins twenty-six dollars and fifty cents,

A bill to amend the act incorporating the town of Sommerville, in the county of Fayette,

A bill to incorporate Sommerville college in the county of Fayette, and

A bill to establish the county of Macon, were each and severally read a first time and passed.

A bill to legalize the location of the Franklin and Columbia turnpike road, and

A bill to amend and explain the act of 1822, ch. 183, were severally read a third time and passed.

The Senate took up and concurred with the amendment proposed by the House of Representatives to the bill to authorize Josiah M. Anderson and George Williams to open a turnpike road,

A bill to suspend the entry of lands in the Ocoee district,

A bill to encourage the killing of wolves in Morgan county, and

A bill giving further time for obtaining grants in the Hiwasse District, were each and severally read a third time and passed.

A bill more effectually to provide for the collection of the public revenue from delinquent officers, was read a third time and passed; ayes 20.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Balch, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—20.

So said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

The report of the committee on education and common schools, recommending the rejection of the bill authorizing the Governor to dispose of the shares of stock owned by the State in the Planters Bank, was read and concurred with—ayes 19, noes 4.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Balch, Frey, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Smith, Terry, Turney, Walton, Warner, Wheeler Yoakum and Mr. Speaker Coe—19.

The negative voters were

Messrs. Brown, Gillespy, Jennings and Sevier—4. So said report was concurred with.

Mr. Frey from the committee of enrollments, reported as correctly enrolled, an act to amend an act to abolish imprisonment for debt except in cases of fraud, which was signed by the Speaker and ordered to be transmitted to the House of Representatives.

Mr. Anderson, from the joint select committee of conference, to whom was referred the amendment proposed by the House of Representatives to the bill to distribute the academy monies and for other purposes, reported that the committee have had the same under consideration, and had instructed him to recommend a concurrence on the part of the Senate with the said proposed amendment.

The question was then had "will the Senate concur with said report?" and determined in the negative—ayes 5, noes 16.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Brown, Frey, Marshall, Reneau, Terry, Walton and Speaker Coe—8.

The negative voters were

Messrs. Aiken, Ashe, Baleh, Gillespy, Hardwicke Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Sevier, Smith, Turney, Warner, Wheeler and Yoakum—16.

So said report was non-concurred with.

A bill from the House of Representatives to re-enact and amend an act to establish a system of common schools in the State of Tennessee, passed Jan. 24th, 1838, was read and passed a first time.

Mr Turney moved a reconsideration of the vote nonconcurring with the report of the joint committee of conference, on the amendment proposed by the House of Representatives to the bill to distribute the academy money and for other purposes, which motion prevailed.

The Senate took up and concurred with the House's amendment to the bill to incorporate the Union College in Robertson county.

A bill to authorize judgment by note to be taken against the clerks of the several courts of this State for failing to render an account, and paying over monies by them collected for the use of the several counties of the State, was read a third time and passed—ayes 19.

The ayes and noes being required by the constitution, the affirmative voters were

Messrs. Anderson, Ashe, Baleh, Brown, Frey, Gillespy, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Terry, Turney, Warner, Wheeler and Speaker Coe—19.

And so said bill passed its third reading was ordered to be engrossed and transmitted to the House of Representatives.

A bill to increase the tax on brokers, was read a third time and passed—ayes 12, noes 8.

The ayes and noes being demanded the affirmative voters were

Messrs. Aiken, Baleh, Gillespy, Jones of Hickman, Love, Smith, Terry, Turney, Warner, Wheeler and Speaker Coe—12.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Marshall, Reneau and Sevier—8.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill to appoint commissioners to view and lay off an alteration on part of the road leading from Newport to Sevierville, was read a third time, passed and ordered to be transmitted to the House of Representatives.

And then the Senate adjourned.

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MONDAY MORNING, Jan. 27, 1840.

Mr. Terry submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That the keeper of the Penitentiary, be and he is hereby directed and required to furnish a plain vault with an appropriate inscription to be laid over the grave of Abraham Hulse, late a Representative from the county of Hawkins, who departed this life on the of 1837, duriug the session of the General Assembly, and charge the State therefor.

And the rule being suspended requiring resolutions to lay one day on the table, the said resolution was adopted—ayes 10, noes 8.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Balch, Gillespy, Laughlin, Love, Smith, Terry, Turney, *W*heeler and Speaker Coe—10.

The negative voters were

Messrs. Frey, Hardwicke, Jones of Hickman, Jones of Lincoln, Sevier, Walton, *W*arner and Yoakum—8.

So said resolution was adopted.

Mr. Yoakum submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That the resolution adopted on the 18th Jan, declaring that this General Assembly will adjourn on this day, be and the same is hereby rescinded; which was read and adopted.

A message from the House of Representatives by Mr. Crockett their Clerk.

Mr. Speaker: The House of Representatives did this day sign an enrolled act to incorporate the citizens of the town of Hampshire in Maury county.

An act to authorize the County courts of Bradley and Polk counties to elect surveyors and for other purposes; both of which were signed by the Speaker of the Senate and ordered to be deposited in the office of the Secretary of State.

Mr. Marshall presented a petition from the members of the District bar in relation to the Chancery courts of the Western Distrct; which was read and on motion it was referred to the judiciary committee.

Mr. Frey from the committee of enrollments, reported as correctly enrolled, an act to repeal all laws authorizing the Governor to subscribe

for stock in any internal improvement company on behalf of the State and for other purposes. And

An act to incorporate the Union College in Robertson county.

Mr. Hardwicke submitted the following protest, to wit:

A bill was introduced in the House of Representatives to establish a Chancery court at the town of Clarksville. It passed three readings and was sent to the Senate, and on the second reading in the Senate, it was rejected on the ayes and noes. Afterwards, though upon the same day, a member of the House of Representatives introduced another bill for the same object and containing the same substance, and it was adopted as an amendment to a bill from the Senate, to establish a Chancery court at Lewisburg in Marshall county and for other purposes, then on its third reading in the House, and sent in the Senate again. The Senate concurred with the amendment, and thereby established a Chancery court at Clarksville, which he thinks is unparliamentary, and a violation of the 2d article and 19th section of the Constitution, which is as follows:

After a bill has been rejected, no bill containing the same substance shall be passed into a law during the same session. He therefore enters his protest against the same. Signed,

J. P. HARDWICKE.

Mr. Gillespy presented a memorial from sundry citizens of Bradley county in relation to the Hiwassee rail road, which was read and ordered to be transmitted to the House of Representatives.

The Senate took up and considered the report of the joint committee of conference upon the Senate's disagreement to the House's amendment to the bill to distribute the academy monies and for other purposes.

On motion of Mr. Gillespy the Senate non-concurred with the report of said committee and insist on their said disagreement, and ask a further committee of conference on the subject matter of said disagreement. Whereupon the Speaker appointed Messrs. Yoakum, Wheeler and Anderson to be of said committee on the part of the Senate.

A bill to amend an act chartering the Bank of the State of Tennessee passed Nov. 20, 1811, was taken up and read.

Mr. Turney offered an amendment thereto, to wit:

*Be it enacted*, That from and after the passage of this act, it shall be the duty of the President and Directors of the Branch of the Bank of Tennessee at Athens, and they are hereby directed at the election of the debtors to said branch banks in taking notes in renewal of the citizens of Bledsoe county, which may be payable at said branch to make the same payable and negotiable at the branch of said Bank of Tennessee at Sparta, and such notes so taken, shall be transferred to, and received by said branch at Sparta as so much circulation; provided that nothing herein contained shall be so construed as to authorize or justify the president and directors of said branch bank at Athens in making larger calls upon the notes of the citizens of Bledsoe county, or in making more rigid collections than said bank would have done if

the county of Bledsoe had not been attached to the Sparta Branch Bank District. Which amendment was adopted.

Mr. Laughlin offered the following amendment, to wit:

*Be it enacted*, That the General Assembly shall at its present session and hereafter until the same shall be altered by law, elect a president of the Bank of Tennessee established at the last session of the General Assembly from the number of persons who may be nominated by the Governor, and confirmed by the General Assembly as directors of said bank.

And thereupon the question was had and said amendment was adopted—ayes 11, noes 9.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Balch, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner Yoakum and Mr. Speaker Coe—11.

Those who voted in the negative were

Messrs. Anderson, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Terry and Walton—9.

So said amendment was adopted.

Mr. Laughlin moved further to amend by adding the following, to wit:

*Be it enacted*, That the Directors of the several Branches of the Bank of Tennessee, shall be appointed by the Governor, by nominations made for each board to the General Assembly, and on the same being confirmed by the General Assembly in the same manner in which the directors of the principal bank are appointed, and each branch board of directors shall elect their own officers as heretofore. The said appointment of Directors to be made at the present session and forever hereafter in the same way, until otherwise provided by law.—Said branch directors to hold their appointments for two years, and until their successors are appointed and qualified, and vacancies in said boards to be filled as heretofore provided.

And thereupon the question was had and determined in the affirmative—ayes 14, noes 9. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Wheeler, Yoakum and Speaker Coe—14.

The negative voters were

Messrs. Anderson, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Terry and Walton—9.

And so said amendment was adopted.

Mr Laughlin offered the following as a further amendment, to wit:

*Be it enacted*, That the President and Directoas of the Bank of the State Tennessee shall hereafter, when they believe the public good and the preservation of the faith and credit of the State require it, have power to control and limit the amount of issues, circulation and discounts at the branches of said bank and regulate the same; provided

nothing herein contained shall give power to withdraw from any branch bank any of its capital, or to direct the loans of the same in any other than is now provided by law,

And thereupon the question was had and determined in the negative, ayes 10, noes 12. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Balch, Hardwicke, Jones of Hickman, Laughlin, Love, Smith, Turney, Yoakum and Speaker Coe—10.

Those who voted in the negative were

Messrs. Anderson, Brown, Frey, Gillespy, Hardwicke, Jones of Lincoln, Marshall, Reneau, Sevier, Terry, Walton and Wheeler—12.

So said amendment was rejected.

The bill was thereupon read as amended a third time—ayes 13, noes 10.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Laughlin, Love, Smith, Terry, Turney, Warner, Yoakum and Speaker Coe—13.

The negative voters were

Messrs. Anderson, Brown, Frey, Jennings, Jones of Lincoln, Marshall, Reneau, Sevier, Walton and Wheeler—10.

And so said bill passed its third and last reading, ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up and considered the proposition of the House of Representatives to appoint a committee of conference on the Senate's amendment to the bill to make penal the misuse and misapplication of the public money.

Mr. Jones of Lincoln moved that the Senate recede from said amendment.

And thereupon the question was had and determined in the affirmative—ayes 13, noes 9. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Balch, Brown, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Smith, Turney, Wheeler, Yoakum, and Mr. Speaker Coe—13.

Those who voted in the negative were

Messrs. Aiken, Anderson, Frey, Jennings, Sevier, Terry, Walton, and Warner—9.

And so the Senate agreed to recede from the said amendment.

The Senate then took up and considered the House's amendments to the bill to consolidate the funds, and have but one instead of two separate classes of public schools in Lincoln county in this State, which amendments were concurred with.

A communication from the Hon. Hugh L. White, containing his resignation as Senator to the Congress of the United States; was received and read—and Mr. Ashe moved that the resignation be accepted, and the communication be spread upon the Journal.

Mr. Gillespy moved a division, so as to test the sense of the Senate

upon accepting the resignation, which motion prevailed and the resignation was accepted.

Whereupon Mr. Yoakum moved to lay the communication and the motion of Mr. Ashe to spread on the Journal on the table,

And thereupon the question was had and determined in the affirmative—ayes 13, nays 11. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Love, Smith, Turney Warner, Wheeler, Yoakum and Speaker Coe—13.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Jones of Hickman, Marshall, Reneau, Sevier, Terry, and Walton.—11.

And so said communication and motion to spread it on the journal was laid on the table.

A message from the House of Representatives by Mr. Crockett their Clerk:

Mr. Speaker; The House of Representatives have adopted a resolution proposing to go into the election of a Senator to the Congress of the United States this day at 3 o'clock, a. m., to fill the vacancy occasioned by the resignation of the Hon. Hugh L. White, and a Superintendent of Public Instruction.

And then he withdrew.

Mr. Warner moved to strike out 'three o'clock, p. m.' and insert '10 o'clock, a. m. on to-morrow;' which motion failed—ayes 10, noes 14.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Balch, Gillespy, Hardwicke, Laughlin, Love, Smith, Turney, Warner, Wheeler and Speaker Coe—10.

Those who voted in the negative were

Messrs. Aiken, Anderson, Ashe, Brown, Frey, Jennings, Jones of Hickman, Jones of Lincoln, Marshall, Reneau, Sevier, Terry, Walton and Yoakum—14.

So said motion failed.

A bill from the House of Representatives to provide for taking the enumeration of the free White male inhabitants of the State of Tennessee, for the year 1841, was read a first time and passed.

A bill to incorporate the Savannah and Waynesboroug turnpike Co. was read a first time and passed.

A bill to change the time of holding regimental musters in the 21st brigade, Tennessee militia, was read a third time, passed and ordered to be transmitted to the House of Representatives.

A message from the House of Representatives, by Mr. Crockett, their Clerk:

Mr. Speaker: The House of Representatives have adopted a resolution directory to Edmund W. Tipton, late surveyor general of the 11th surveyor's district, in which they ask the concurrence of the Senate.

And then he withdrew. Thereupon the said resolution was read and concurred with.

A bill to provide for the distribution of the acts and journals was read a second time and passed.

A bill to condense and bring into one view the militia laws of the State of Tennessee, was read a third time, and on motion of Mr. Turney was indefinitely postponed—ayes 14, noes 10.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Brown, Hardwicke, Marshall, Sevier, Turney, Walton, Wheeler, Yoakum and Speaker Coe—13.

Those who voted in the negative were

Messrs. Frey, Gillespy, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Smith, Terry and Warner—10.

And so said bill was indefinitely postponed.

A bill to vest in the Circuit Courts of this State the power to restore certain persons to the rights of citizenship, was read.

Mr. Jones of Hickman offered an amendment thereto, providing that Nathan M'Clenden be restored to the rights and privileges of citizenship.

Mr. Gillespy moved to amend said amendment by inserting the name of Isaac George, of M'Minn county; which was accepted, the amendment of Mr. Jones adopted, and thereupon the bill passed its second reading.

A bill to re-enact and amend an act to establish a system of common schools in the State of Tennessee, passed January 24, 1838, was read.

Mr. Yoakum moved to strike out all after the first section, which motion prevailed, and thereupon the bill passed its second reading.

A bill to extend the corporate limits of the town of Gallatin in the county of Sumner, and

A bill to amend an act to incorporate the town of Athens, were each read a third time, passed and ordered to be transmitted to the House of Representatives.

Mr. Frey, from the committee on enrollments, reported as correctly enrolled, an act supplementary to the act to incorporate the Lagrange and Memphis rail road company.

Thereupon the Speaker of the Senate signed said enrolled act, and ordered it to be transmitted to the House of Representatives.

A message from the House of Representatives, by Mr. Crockett, their Clerk:

Mr. Speaker: The House of Representatives are now ready to receive the Senate for the purpose of going into the election of a Senator to the Congress of the United States, vice Hon. Hugh L. White, resigned, and a Superintendent of Public Instruction.

And then he withdrew; whereupon the Speaker and Gentlemen of the Senate repaired to the Hall of the House of Representatives, and thereupon the two houses proceeded to the election of a United States Senator.

Alexander Anderson of the county of Knox, Hugh L. White of the county of Knox, and William Trousdale of Sumner county, being in nomination, Senators who voted for Mr. Anderson were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Laughlin, Love, Smith, Turney, Warner, Wheeler, Yoakum and Mr Speaker Coe—13.

Those who voted for Mr. White were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Terry and Walton—10.

Mr. Jones of Lincoln voting for Mr. Fulton, of Lincoln county.

The vote being continued by the House of Representatives, the aggregate vote for Mr. Anderson was 49 votes; for Mr. White 42 votes; for Mr. Trousdale 3 votes, and for Mr. Fulton 3 votes. Thereupon the Speaker of the Senate declared Alexander Anderson duly and constitutionally elected Senator to the Congress of the United States, to fill the unexpired term of the Hon. Hugh L. White, resigned.

The two houses then proceeded in like manner to the election of a Superintendent of Public Instruction—Robert P. Currin of Williamson county, George Wilson of Davidson county, and Robert Gibson of Davidson county, being in nomination, Senators who voted for Mr. Currin were

Messrs. Ashe, Frey, Jones of Hickman, Jones of Lincoln, Marshall, Reneau, Smith, Walton, Warner and Yoakum—10.

Those who voted for Mr. Wilson were

Messrs. Anderson, Brown, Gillespy, Jennings, Love, Sevier, Terry, and Mr. Speaker Coe—8.

Those who voted for Mr. Gibson were

Messrs. Aiken, Balch, Hardwicke, Laughlin, Turney and Wheeler, 6.

The vote being continued by the House of Representatives, the aggregate vote for Mr. Currin was 37 votes, for Mr. Wilson 44 votes, and for Mr. Gibson 14 votes—scattering 2.

There being no election, the two houses proceeded to a second balloting.

Senators who voted for Mr. Currin were

Messrs. Aiken, Ashe, Balch, Frey, Jennings, Jones of Lincoln, Laughlin, Marshall, Reneau, Smith, Turney Walton, Warner and Yoakum, 14.

Those voting for Mr. Wilson were

Messrs. Anderson, Brown, Gillespy, Jones of Hickman, Love, Sevier, Terry, Wheeler and Speaker Coe—9.

Mr. Hardwicke voting for Mr. Gibson.

The vote being continued by the House of Representatives, the aggregate vote for Mr. Currin was 43 votes, for Mr. Wilson 46, and for Gibson 6 votes—scattering 2.

There being no election, the two houses proceeded to a third balloting. Senators who voted for Mr. Currin were

Messrs. Aiken, Ashe, Balch, Frey, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Reneau, Smith, Turney, Warner and Yoakum—13.

Those who voted for [illegible]r. Wilson were

Messrs. Brown, Gillespy, Hardwicke, Love, Wheeler and Speaker Coe—6.

Mr. Harvey Hogg being in nomination, those who voted for Mr. Hogg were

Messrs. Anderson, Jennings, Sevier, Terry and Walton—5.

The voting being continued by the House of Representatives, the aggregate vote was for Currin 43, for Wilson 41, and for Hogg 13.

There being no election, the two Houses proceeded to a fourth balloting. Messrs. Gibson and Hogg being withdrawn,

Senators who voted for Mr. Currin were

Messrs. Aiken, Ashe, Balch, Frey, Hardwicke. Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Reneau, Smith, Turney, Walton, Warner and Yoakum—16.

Those who voted for Mr. Wilson were

Messrs. Anderson, Brown, Gillespy, Love, Sevier, Terry, Wheeler and Speaker Coe—8.

The voting being continued by the House of Representatives, the aggregate vote for Mr. Currin was 50, and for Mr. Wilson 47 votes.

Thereupon the Speaker of the Senate declared Robert P. Currin duly and constitutionally elected Superintendent of Public Instruction for two years, and until his successor is elected and qualified. And then the Speaker and Gentlemen of the Senate returned to their own chamber.

A bill to amend an act entitled, an act to establish turnpike bridges in the Western District, and

A bill to declare the Conasawga river navigable, were each and severally read a third time, passed, and ordered to be transmitted to the House of Representatives.

A bill to secure the State in the trial of criminal cases, was read.

Mr. Jones of Lincoln offered the following amendment, to wit:

*Be it enacted*, That the judges holding the court shall compare the original bill of indictment and the endorsements thereon with the record, before he signs the record of the days' proceedings containing such indictment. Which amendment was accepted and the bill passed its third reading—ayes 20.

The ayes and noes being demanded by the constitution, the affirmative voters were

Messrs. Anderson, Balch, Brown, Frey, Gillespy, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Smith, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—20.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill to authorize the County courts of Hamilton county to permit the building of mills in certain cases.

A bill repealing all laws declaring the Little North Fork of Forked Deer river navigable to Lee's mill.

A bill to authorize the citizens of Cocke county to build mill dams across Big Pigeon river in Cocke county were each and severally read a third time, passed and ordered to be transmitted to the House of Representatives.

A bill to give to the County courts the power to elect commisioners

on the Obion river and for other purposes, was read a third time and passed—ayes 20.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Balch, Brown, Frey, Gillespy, Jennings, Jones of Hickman, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—20.

Mr. Jones of Lincoln voting in the negative.

And so said bill passed its third reading was ordered to be engrossed and transmitted to the House of Representatives.

A bill to encourage the manufacturing of iron in the Ocoee district, was read.

Mr. Gillespy offered an amendment thereto, which was accepted.

Thereupon the bill passed its third reading—ayes 14, noes 8.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Balch, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Love, Reneau, Sevier, Smith, Terry, Wheeler and Speaker Coe—14.

The negative voters were

Messrs. Anderson, Ashe, Jones of Hickman, Laughlin, Turney, Walton, Warner and Yoakum—8.

So said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill to establish the county of Macon, in honor of Nathaniel Macon, of North Carolina, was read a third time and passed, and ordered to be transmitted to the House of Representatives.

A bill to incorporate the Sommerville college, in the county of Fayette,

A bill to explain and make more plain the first and second sections of an act passed 19th Feb. 1836, entitled an act to provide for the appointment of a collector of the revenue, and to define his duties, and

A bill to refund to Brice A. Collins twenty-six dollars and fifty cents, were severally read a second time and passed.

A bill giving further time for running out entries and obtaining grants founded on good and valid warrants, was read a third time and rejected.

A bill to confer certain privileges on the commissioners of the town of Dyersburg, and

A bill to alter and amend the several acts in relation to the Bean's Station turnpike road, were each and severally read a third time, passed and ordered to be transmitted to the House of Representatives.

A bill to amend the act incorporating the town of Sommerville in the county of Fayette, was read.

Mr. Brown offered an amendment thereto, which was accepted; and thereupon the bill passed its second reading.

A bill to amend the charter of Aaron Higginbotham's turnpike road,

A bill for the benefit of certain persons residing on part of Walden's Ridge, in Rhea county,

A bill to repeal an act entitled an act to attach a part of Perry county to the county of Wayne, passed Dec. 26, 1837,

A bill to explain an act passed Nov. 7, 1837, conferring additional authority on the community of the town of Perryville, and for other purposes.

A bill to incorporate the Central Female Academy at Hartsville,

A bill to authorize a special term of the Chancery Court at Somerville, with an ameedment thereto, offered by Mr. Sevier,

A bill to repeal all laws declaring Wolf river navigable, and

A bill granting further time to Samuel B. Mead to complete his road across the Lookout and Raccoon mountains, were each and severally read a third time, passed and ordered to be transmitted to the House of Representatives.

A bill to alter and amend the 11th section of chapter 17, of the public acts of 1835–6, was read.

Mr. Marshall offered an amendment thereto, which was accepted.

Mr. Marshall offered an additional amendment thereto, providing that when any bill in chancery shall be filed, to enforce the specific execution of any contract, or to enforce a lien upon property, and the contract or lien upon which the bill is filed shall not be registered, the filing of the bill shall have the same power as the registration of the paper; and if the suit be prosecuted with effect, shall operate to give the lien from the filing of the bill.

And thereupon the question was had and determined in the negative—ayes 10, noes 13. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Brown, Frey, Jennings, Marshall, Sevier, Smith, Walton, Yoakum and Speaker Coe—10.

The negative voters were,

Messrs. Aiken, Ashe, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Terry, Turney, Warner and Wheeler,—13.

So said amendment was rejected, and thereupon the bill passed its second reading.

A bill to provide for the entry of sites for meeting and school houses in the Ocoee district, was read a third time and rejected, ayes 8, noes 15.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Ashe, Brown, Gillespy, Jennings, Sevier, Terry and Speaker Coe—8.

Those who voted in the negative were

Messrs. Anderson, Balch, Frey, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Smith, Turney, Walton, Warner, Wheeler and Yoakum—15.

So said bill was rejected.

A bill to incorporate the town of Charleston, and

A bill to amend an act constituting Robert Burke proprietor of a turnpike road from Sparta to the Crab Orchard, passed 21st October, 1831, were each and severally read a third time and rejected.

A bill to authorize William Brown, Joseph Kimbrough and William K. Waddy to open a turnpike roadwas read, and amended by

Mr. Terry, providing that persons with their stock going to or returning from the range, shall be exempt from the payment of toll.

Thereupon the bill passed its third and last time, and ordered to be transmitted to the House of Representatives.

A bill to incorporate the Memphis Female Academy, and for other purposes, was read a third time, passed and ordered to be transmitted to the House of Representatives.

A bill for the relief of Henry Stevens of Monroe county, was read a third time and passed—ayes 13, noes 7.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Brown, Frey, Gillespy, Jennings, Laughlin, Love, Marshall, Walton. Wheeler and Yoakum—13.

The negative voters were

Messrs. Ashe, Jones of Hickman, Jones of Lincoln, Terry, Turney, Warner and Speaker Coe—7.

And said bill passed its third and last reading, ordered to be engrossed and transmitted to the House of Representatives.

Then the Senate adjourned.

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Tuesday Morning, Jan. 28, 1840.

Mr. Laughlin submitted the following, to wit:

Whereas certain grants were referred to the Secretary of State as commissioner of lands claims, by a resolution adopted by the General Assembly on the 27th of September, 1832, and the claimants not being able at the time to produce such proof as the Secretary required, by reason of which the claims have been postponed, and manifest injustice is likely to be done particularly to some heirs who knew not what steps to take so as to obtain their rights. And whereas they have since procured all the evidence from North Carolina which they believe it is in their power to provide. Now therefore,

*Resolved by the General Assembly of the State of Tennessee*, That the Secretary of State together with the Comptroller of the Treasury examine the aforesaid claims together with the proof adduced, and when they are of opinion that the law and justice of the case authorizes the issuance of a certificate, the same shall be issued as heretofore in other cases, provided a certificate has not already issued on said grant or grants. And provided further that such evidence be adduced of the loss or destruction by fire or otherwise of the original warrants upon which said grants were issued, as may satisfy the Secretary and Comptroller of the loss of the same.

The resolution heretofore submitted by Mr, Marshall, refering grant grant No. 3300 to the Secretary of State for adjudication, was taken up read and adopted—ayes 15, noes 6.

The ayes and noes being demanded the affirmative voters were

Messrs. Anderson, Balch, Frey, Gillespy, Hardwicke, Laughlin, Love, Marshall, Sevier, Smith, Terry, Walton, Warner, Wheeler and Yoakum—15.

The negative voters were

Messrs. Aiken, Brown, Jones of Hickman, Jones of Lincoln, Turney and Speaker Coe—6.

And so said resolution was adopted.

The resolution heretofore submitted by Mr. Love referring land warrant No. 1239, to the Secretary of State for adjudication, with the amendment thereto proposed by Mr. Brown, was taken up, and Mr. Brown offered an amendment in lieu of the whole as follows, to wit:

*Resolved*, That the Secretary of State shall have powerr and is hereby authorized to issue certificate warrants to such person as had or may present interfering claims founded on a bona fide warrant. And to adjudicate all original North Carolina land warrants and certificate warrants that is good and valid, and certify the same. And such warrant when so certified shall be subject to entry south and west of the congressional reservation line, as other warrants have been heretofore entered so as not to interfere with any occupant claims.

Mr. Gillespy moved to lay said amendment on the table.

And thereupon the question was had and determined in the affirmative—ayes 12, noes 9. The ayes and noes being demanded, the affirmative voters were

Messrs. Anderson, Balch, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Marshall, Warner and Yoakum—12.

Those who voted in the negative were

Messrs. Ashe, Brown, Love, Reneau, Sevier, Terry, Turney, Walton and Speaker Coe—9.

So said amendment was ordered to the table.

The question then recurred upon the adoption of the said resolution, and being thereon had it was determined in the affirmative—ayes 12, noes 9.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Balch, Gillespy, Jennings, Laughlin, Love, Marshall, Sevier, Walton, Warner, Wheeler and Yoakum —12.

The negative voters were

Messrs. Ashe, Brown, Frey, Jones of Hickman, Jones of Lincoln, Reneau, Terry, Turney and Speaker Coe—9.

So said resolution was adopted.

The resolution heretofore submitted by Mr. Warner referring grant No. 62, to the Secretary of State for adjudication, was taken up, read and adopted—ayes 14, noes 7.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Balch, Frey, Gillespy, Jennings, Laughlin, Love, Marshall, Reneau, Sevier, Walton, Warner, Wheeler and Yoakum, 14.

The negative voters were,

Messrs. Ashe, Brown, Jones of Hickman, Jones of Lincoln, Terry, Turney and Speaker Coe—7.

So said resolution was adopted.

Mr. Jennings submitted the following:

*Resolved*, That the Inspectors of the Penitentiary be, and they are hereby instructed to fix the prices of articles to be sold at such rates as would be reasonable for articles of a similar quality made and manufactured by mechanics, provided that they shall not be fixed at such rates as will prevent the sale of the same.

*Resolved*, That the articles now on hand at the penitentiary shall as far as possible, consistently with the interest of the State generally, be exported for sale in other States, and that all articles hereafter to be manufactured, shall be manufactured with a view to their sale out of the State of Tennessee.

*Resolved*, That all new convicts shall hereafter be employed in work that shall conflict least with the interest of the mechanics of Tennessee.

*Resolved*, That nothing herein contained shall be so construed, so as to forbid the inspectors of the penitentiary to sell all articles manufactured at the institution within the limits of the State, if such sale will insure a greater profit than can be procured by importation and sales made abroad.

And the rule being suspended requiring resolutions to lie one day on the table,

Mr. Wheeler moved to strike out all after the first resolution.

Mr. Coe move to postpone the resolution and motion of Mr. Wheeler to strike out until the 4th day of July next.

And thereupon the question was had and determined in the negative—ayes 10, noes 12. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Balch, Hardwicke, Jones of Hickman, Laughlin, Smith, Turney, Warner, Yoakum and Speaker Coe—10.

The negative voters were

Messrs. Ashe, Brown, Frey, Gillespy, Jennings, Jones of Lincoln, Marshall, Reneau, Sevier, Terry, Walton and Wheeler—12.

So said motion to postpone failed.

The question then recurred upon the proposition of Mr. Wheeler to strike out, and being had it was determined in the negative—ayes 9, noes 14.

The ayes and noes being demanded the affirmative voters were

Messrs. Ashe, Frey, Gillespy, Jones of Lincoln, Reneau, Sevier, Turney, Warner and Wheeler—9.

Those who voted in the negative were

Messrs. Aiken, Anderson, Balch, Brown, Hardwicke, Jennings, Jones of Hickman, Laughlin, Marshall, Smith, Terry, Walton, Yoakum and Speaker Coe—14.

So said motion to strike out was not sustained.

The question was then had on the adoption of the resolution, which was determined in the negative—ayes 5, noes 16.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Ashe, Frey, Jennings, Marshall and Walton—5.

Those who voted in the negative were

Messrs. Aiken, Anderson, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Smith, Turney, Warner, Wheeler, Yoakum and Speaker Coe—16.

So said resolution was rejected.

A bill to re-enact and amend an act to establish a system of common schools, passed Jan. 24, 1838, was read, and on motion of Mr. Yoakum by striking out the word "Comptroller," and insert "Superintendent of Public Instruction," and thereupon the bill passed a third time—ayes 10, noes 7.

The ayes and noes being demanded the affirmative voters were

Messrs. Jennings, Jones of Hickman, Laughlin, Love, Reneau, Smith, Turney, Wheeler Yoakum and Speaker Coe—10.

Those who voted in the negative were

Messrs. Anderson, Brown, Gillespy, Jones of Lincoln, Marshall, Terry and Walton—7.

And so said bill passed its third reading, ordered to be engrossed and transmitted to the House of Representatives.

A bill to provide for the taking the enumeration of the free white inhabitants of the State of Tennessee for 1841.

Mr. Wheeler moved to amend said bill by "providing that no commissioner shall be compelled to take the enumeration for a less sum than fifty dollars," which amendment was accepted.

Mr. Frey moved to strike out 'four' and insert 'three' as the compensation for taking the enumeration, which motion prevailed. And thereupon the bill passed its second reading.

A bill to vest in the Circuit courts of this State the power to restore certain persons to the rights of citizenship, was read a third time and passed—ayes 13, noes 4.

The ayes and noes being required, those who voted in the affirmative were,

Messrs. Brown, Gillespy, Hardwicke, Jennings, Jones of Hickman, Laughlin, Love, Reneau, Smith, Terry, Walton, Wheeler and Yoakum—13.

Those who voted in the negative were

Messrs. Marshall, Sevier, Turney and Speaker Coe—4.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill to provide for the distribution of the acts and journals, was read and laid on the table.

A message from the House of Representatives by Mr. Crockett, their Clerk:

Mr. Speaker: The Speaker of the House of Representatives did this day sign an enrolled act to declare the Conasawga river navigable.

An act to encourage the killing of wolves in Morgan county,

An act to make penal the misuse or misapplication of public money,

And an act more effectually to provide for the collection of the public revenue from delinquent officers.

And then he withdrew. Whereupon the Speaker of the Senate signed said enrolled acts, and ordered them to be deposited in the office of the Secretary of State.

A bill to incorporate the Savanah and Waynesboro' turnpike company, was amended by Mr. Gillespy and read and passed a second time.

A bill to alter and amend the 11th section of ch. 17, of the public acts of 1835 and '36, was read and passed a third time; ayes 17, noes 2.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Balch, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Terry, Walton and Speaker Coe—17.

The negative voters were,

Messrs. Turney and Wheeler—2.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

A bill to amend the act incorporating the town of Sommerville in the county of Fayette, was read a third time and passed, and ordered to be transmitted to the House of Representatives.

Mr. Yoakum, from the committee of conference, made the following Report:

The committee of conference have had under consideration the bill to distribute the academy monies and for other purposes, and the question of disagreement between the two houses upon said bill, have directed us to recommend that the Senate concur with the amendment of the House in the second section of the bill, and that the House recede from its amendment to the bill in the disposition of the funds in Rutherford county. All of which is respectfully submitted.

H. Yoakum, Chm'n.

The said report was read and concurred with.

A bill to confer certain privileges on the commissioners of the town of Dyersburg, was read a third time and passed.

A bill to refund to Brice A. Collins twenty-six dollars and fifty cents, was read a third time and passed—ayes 18.

The ayes and noes being required by the constitution, the affirmative voters were

Messrs. Anderson, Balch, Brown, Frey, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Smith, Terry, Turney, Walton, Wheeler, Yoakum and Speaker Coe—18.

Mr. Jones of Hickman voting in the negative.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up and considered the amendment of the House to the bill to authorize the Cumberland and Stone's river turnpike company to surrender their charter for a part of their road; which amendment was read and concurred with.

A message from the House of Representatives by Mr. Crockett, their clerk:

Mr. Speaker; The House of Representatives nonconcur with the Senate's amendment to the bill to equalize the location of the Franklin and Columbia turnpike road.

And then he withdrew.

Mr. Marshall moved that an insisting message be sent to the House of Representatives upon the said amendment to said bill.

And thereupon the question was had and determined in the affirmative—ayes 11, noes 10. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Brown, Frey, Jennings, Jones of Lincoln, Marshall, Reneau, Sevier, Terry and Walton—11.

The negative voters were

Messrs. Gillespy, Hardwicke, Jones of Hickman, Laughlin, Love, Smith, Turney, Warner, Wheeler and Yoakum—10.

So the Senate agreed to send an insisting message to the House of Representatives.

A bill to appropriate the school lands in the Ocoee district to the use of schools for the instruction of children therein, was read.

Mr. Terry moved to amend the caption by inserting after the words Ocoee district, in the counties of Meigs, Hamilton and Marion; and also an additional section to the bill—which were severally read and adopted; and thereupon the bill was read and passed a third time—ayes 19, noes 2.

The ayes and noes being demanded the affirmative voters were

Messrs. Aiken, Anderson, Balch, Brown, Frey, Gillespy, Jennings, Laughlin, Marshall, Reneau, Sevier, Smith, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—19.

The negative voters were

Messrs. Jones of Hickman and Love—2.

So said bill passed its third and last reading, ordered to be transmitted to the House of Representatives.

Mr. Laughlin moved that an insisting message be sent to the House of Representatives in relation to the adoption of the Senate's amendment to the bill to amend an act chartering the Bank of the State of Tennessee, passed 20th Nov. 1811, and for other purposes.

And thereupon the question was had and determined in the affirmative—ayes 12, noes 11. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Laughlin, Love, Smith, Turney, Warner, Yoakum and Speaker Coe—12.

The negative voters were

Messrs. Anderson, Brown, Frey, Jennings, Jones of Lincoln, Marshall, Reneau, Sevier, Terry, Walton and Wheeler—11.

So said motion prevailed.

The Senate took up and concurred with the Houses amendment to the "bill to incorporate an Academy in the county of Claiborne, to be called the Powell's Valley male academy.

Mr. Marshall moved a concurrence with the amendment of the House to the bill to prevent county roads from being obstructed by certain turnpike companies and others.

And thereupon the question was had and determined in the affirmative—ayes 16, noes 8. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Brown, Gillespy, Jennings, Jones of Hickman, Marshall, Reneau, Sevier, Smith, Terry, Walton, Warner, Wheeler and Yoakum—16.

Those who voted in the negative were

Messrs. Balch, Frey, Hardwicke, Jones of Lincoln, Laughlin, Love, Turney and Speaker Coe—8.

So the Senate concurred with said amendment.

The Senate also considered the amendment proposed by the House to the bill to incorporate the Memphis manufacturing company, and for other purposes.

On motion of Mr. Jennings, said amendment was concurred with—ayes 15, noes 9.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Gillespy, Jennings, Laughlin, Love, Reneau, Sevier, Smith, Terry, Turney, Walton and Speaker Coe—15.

The negative voters were

Messrs. Aiken, Balch, Hardwicke, Jones of Hickman, Jones of Lincoln, Marshall, Warner, Wheeler and Yoakum—9.

So said amendment was concurred with.

The amendment of the House to the bill to incorporate the Somerville college in the county of Fayette, was read and concurred with.

A bill to establish the county of Macon, was read a third time.

Mr. Walton offered an amendment thereto, providing that the citizens of Macon may file their bills in Chancery at Gallatin or Carthage, as they may select; which was accepted.

Mr. Yoakum offered an amendment thereto, providing that the county of Macon shall be surveyed before any further action should be had thereon.

Mr. Walton moved to lay the bill and amendments on the table.

And thereupon the question was had and determined in the affirmative—ayes 12, nays 11. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Gillespy, Marshall, Reneau, Sevier, Terry, Turney, Walton and Wheeler—12.

Those who voted in the negative were

Messrs. Aiken, Balch, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Warner, Yoakum and Speaker Coe—11.

So said bill and amendments were laid on the table.

Mr. Brown moved a reconsideration of the vote rejecting the bill to condense and bring into one view the militia laws of the State of Tennessee, which motion prevailed.

Mr. Anderson offered an amendment providing that county drills shall not be abolished; which was rejected—ayes 9, noes 13.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Hardwicke, Jones of Hickman, Marshall, Sevier, Yoakum and Speaker Coe—9.

Those who voted in the negative were

Messrs. Balch, Brown, Frey, Gillespy, Jones of Lincoln, Laughlin, Love, Reneau, Smith, Terry, Turney, Warner and Wheeler—13.

So said amendment was rejected.

The question then recurred upon the passage of the bill, and being thereon had, was determined in the affirmative—ayes 12, noes 11.

The ayes and noes being demanded by the constitution, the affirmative voters were

Messrs. Brown, Frey, Gillespy, Jones of Lincoln, Laughlin, Love, Reneau, Smith, Terry, Turney, Warner and Wheeler—12.

The negative voters were

Messrs. Aiken, Anderson, Balch, Hardwicke, Jones of Hickman, Marshall, Sevier, Walton, Yoakum and Speaker Coe—11.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up and considered the amendment of the House to the bill to incorporate the Duck River Steam Navigation Company, and said amendment was concurred with.

A bill to authorize the county trustees of Bedford, Rutherford and Davidson counties to receive such monies as said counties may be respectively entitled to, upon the internal improvement fund of said counties, in the capital stock of the Nashville, Murfreesborough and Shelbyville turnpike, was read a third time, passed, and ordered to be transmitted to the House of Representatives.

The Senate took up and considered the proposition from the House, to amend the bill to regulate the salaries of the officers of the Bank of Tennessee and branches. The first proposition of the House to strike out $1800 and insert $2500, as the salary for the cashier of the principal Bank was had under consideration, and was nonconcurred with—ayes 7, noes 15.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Hardwicke, Love, Laughlin, Smith, Turney, Warner and Speaker Coe—7.

The negative voters were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Frey, Gillespy, Jones of Hickman, Jones of Lincoln, Reneau, Sevier, Terry, Walton, Wheeler and Yoakum—15.

So said amendment was nonconcurred with.

Mr. Brown moved that the further consideration of the bill be indefinitely postponed.

And thereupon the question was had and determined in the nega-

tive—ayes 3, noes 20. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Brown, Marshall and Speaker Coe.—3

The negative voters were

Messrs. Anderson, Ashe, Balch, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Sevier, Smith, Terry, Turney, Walton, Warner, Wheeler and Yoakum—20.

So said motion to postpone indefinitely was not sustained.

Mr. Jones of Lincoln offered an amendment in lieu of the amendment proposed by the House providing that the Bank of Tennessee, in receiving returns from the branches thereof, shall not allow any charge for banking houses, other than rent.

And thereupon the question was had and determined in the negative—ayes 8, noes 16. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Ashe, Balch, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Turney and Wheeler—8.

The negative voters were

Messrs. Aiken, Anderson, Brown, Frey, Gillespy, Jennings, Love, Marshall, Reneau, Sevier, Smith, Terry, Walton, Warner and Speaker Coe—16.

So said amendment was rejected.

Mr. Gillespy moved a concurrence with the second amendment of the House, which motion failed—ayes 9, noes 14.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Brown, Frey, Gillespy, Jennings, Marshall, Sevier, Smith, Warner and Yoakum—9.

The negative voters were

Messrs. Aiken, Anderson, Ashe, Balch, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Terry, Turney, Wheeler and Speaker Coe—14.

So said amendment of the House was non-concurred in.

Mr. Yoakum submitted the following:

*Resolved by the General Assembly of the State of Tennessee*, That the Board of Common School Commissioners be directed to employ an attorney, if they think it necessary, to assist the Attorney General for the State, in prosecuting a suit against the late Superintendent of Public Instruction; provided they shall not agree to give such attorney, as compensation, more than three hundred dollars.

A bill to explain and make more plain the first and second sections of an act passed the 9th day of February, 1836, entitled an act to provide for the appointment of a collector of the revenue and to define his duties, was read a third time and passed—ayes 17, noes 7.

The ayes and noes being required, the affirmative voters were

Messrs. Aiken, Anderson, Ashe, Balch, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln Laughlin, Love, Sevier, Turney, Wheeler and Speaker Coe—17.

The negative voters were

Messrs. Marshall, Reneau, Smith, Terry, Walton, Warner and Yoakum—7.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Gillespy's resolution heretofore submitted, directory to the President and Directors of the Bank of Tennessee, was taken up and read.

Mr. Smith moved to strike out "voting population," and insert "taxes paid by each bank district."

Mr. Turney moved the indefinite postponement of the resolution, and said motion to amend.

And thereupon the question was had and determined in the negative, ayes 12, noes 12. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Brown, Frey, Jones of Hickman, Marshall, Reneau, Sevier, Smith, Turney, Walton, Warner and Speaker Coe—12.

Those who voted in the negative were

Messrs. Aiken, Ashe, Balch, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Love, Terry, Wheeler and Yoakum—12.

So said motion to postpone indefinitely was rejected.

The question then recurred upon the amendment offered by Mr. Smith, and being had thereon it was determined in the negative—ayes 5, noes 17.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Brown, Jones of Hickman, Smith, Walton and Speaker Coe—5.

Those who voted in the negative were

Messrs. Aiken, Anderson, Ashe, Balch, Frey, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Terry, Turney, Warner, Wheeler and Yoakum—19.

So said amendment was rejected.

The question then recurred upon the adoption of the resolution, and being had thereon it was rejected—ayes 11, noes 13.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jennings, Laughlin, Love, Reneau, Terry, Wheeler and Yoakum—11.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Jones of Hickman, Jones of Lincoln, Marshall, Sevier, Smith, Turney, Walton, Warner and Mr. Speaker Coe—13.

So said resolution was rejected.

The resolution heretofore submitted by Mr. Turney to remove the seat of Government, was taken up and read.

Mr. Warner moved to fill the blank in said resolution with the 'town of Murfreesboro.'

And thereupon the question was had and determined in the negative—ayes 12, noes 12. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Love, Turney, Warner, Wheeler, Yoakum and Speaker Coe—12.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Jones of Hickman, Marshall, Reneau, Sevier, Smith, Terry and Walton—10.

So said motion was rejected.

Mr. Turney then moved to fill the blank with 'M'Minnville."

And thereupon the question was had and determined in the negative—ayes 12, noes 12. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Balch, Hardwicke, Jones of Lincoln, Laughlin, Jones of Hickman, Love, Terry, Turney, Warner, Wheeler and Yoakum—12.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Gillespy, Jennings, Marshall, Reneau, Sevier, Smith, Walton, and Speaker Coe—12.

So said motion was rejected.

Mr. Smith moved to insert 'Columbia.'

And thereupon the question was had and determined in the negative, ayes 11, noes 13. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Balch, Brown, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Marshall, Smith, Warner, Wheeler and Yoakum, 11.

Those who voted in the negative were

Messrs. Anderson, Ashe, Frey, Jennings, Laughlin, Love, Reneau, Sevier, Terry, Turney, Walton and Speaker Coe—13

So said motion was rejected.

Mr. Jones of Hickman moved a reconsideration of the vote rejecting the town of Murfreesboro'.

And thereupon the question was had and determined in the affirmative—ayes 11, noes 13. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Turney, Warner, Wheeler, Yoakum and Speaker Coe—13.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Smith, Terry and Walton—11.

So said motion to reconsider prevailed.

The question then recurred upon the motion to fill the blank with the town of Murfreesborough, and being had it was determined in the affirmative—ayes 12, noes 11.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Turney, Warner, Wheeler, Yoakum and Speaker Coe—12

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Smith, Terry and Walton—11.

So said motion prevailed.

The question was then had on the adoption of the resolution, and determined in the affirmative—ayes 12, noes 11.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Allen, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Turney, Warner, Wheeler, Yoakum and Speaker Coe—12.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Smith, Terry and Walton—11.

So said resolution was adopted.

The Senate concurred with the amendment proposed by the House to the bill to carry into operation the lunatic hospital.

Mr. Frey from the committee of enrollments, reported as correctly enrolled, an act to provide for the reduction of the State debt. Which was signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

A message from the House of Representatives by Mr. Crockett their Clerk.

Mr. Speaker: The House of Representatives did this day sign an enrolled act prescribing the mode of choosing electors to vote for President and Vice President of the United States,

An act to increase the tax on brokers,

An act to repeal an act to attach a part of Perry county to the county of Wayne, passed Dec. 26, 1837. And

An act giving further time for obtaining grants in the Hiwassee District.

And then he withdrew. Whereupon the Speaker of the Senate signed the said enrolled act, and ordered it to be deposited in the office of the Secretary of State.

Then the Senate adjourned.

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WEDNESDAY MORNING, Jan. 29, 1840.

A message from the House of Representatives, by Mr. Crockett, their Clerk:

Mr. Speaker: The House of Representatives concur with your resolution for the relief of Copeland, M'Keman and others.

The Speaker of the House did this day sign an enrollled act to suspend the entry of land in the Ocoee district. And an act to attach a portion of Stewart county to the county of Humphreys.

And then he withdrew. Whereupon the Speaker of the Senate signed said enrolled acts, and ordered them to be deposited in the office of the Secretary of State.

Mr. Laughlin from the committee on federal relations made the following report, to wit:

The committee on federal relations, to whom has been referred the subject of the vacant lands lying south and west of the congressional reservation line, have had the matters to them under consideration and beg leave to report, that they have deemed it necessary to go into a historical detail of the grounds upon which this State predicates her claims to the right of disposing of the vacant lands in question, and of perfecting titles to the same. The grounds of this reasonable claim have been frequently presented to congress in memorials and resolutions passed by the General Assembly. In the year 1823, her claim was assserted and explained in an able report and resolution of instructions to the Tennessee Delegation in congress, drafted and reported by the present Governor of this State then a member of the legislature; and at various times since that date; and lastly in a memorial and resolutions passed by the General Assembly on the 5th of Jan. 1838, communicated to our delegation in Congress, and by them laid before that body. Being fully impressed with the justice of the claim asserted, and of the meritorious claims of the occupying claimants, by whom a considerable portion of their lands have been settled, your committee respectfully submit the following joint resolution, and unanimously recommend the passage of the same, to wit:

*Resolved by the General Assembly of the State of Tennessee,* That our Senators in Congress be instructed and our Representatives requested to use their most earnest exertions to procure the passage of a law authorizing the State of Tennessee to dispose of the vacant lands lying south and west of the Congressional reservation line, and that the Governor be required to transmit a copy of this resolution to each of said Senators and Representatives. All of which is respectfully submitted.

Signed, S. H. Laughlin,
Thomas Love,
John F. Wheeler.
H. H. Brown,
Lewis Reneau.

Mr. Gillespy moved to amend said resolution by adding "so soon as all bona fide land claims from the State of North Carolina shall be satisfied.

Mr. Jones of Hickman moved to lay said amendment on the table, which motion failed—ayes 9, noes 12.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Brown, Frey, Jones of Hickman, Jones of Lincoln, Sevier, Turney, Wheeler, Yoakum and Speaker Coe—9.

Those who voted in the negative were

Messrs. Aiken, Anderson, Balch, Gillespy, Hardwicke, Laughlin, Love, Reneau, Smith, Terry, Walton, and Warner—12.

So said motion failed,

Mr. Jones of Lincoln moved the previous question, which motion failed—ayes 11, noes 11.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Brown, Frey, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Sevier, Smith, Turney, Wheeler and Speaker Coe—11.

The negative voters were

Messrs. Aiken, Anderson, Ashe, Balch, Gillespy, Love, Reneau, Terry, Walton, Warner and Yoakum—11.

So the call for the previous question was not sustained.

The question then recurred upon the amendment offered by Mr. Gillespy, and being thereon had said amendment was rejected—ayes 11, noes 11.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Balch, Gillespy, Hardwicke, Reneau, Smith, Terry, Walton, Warner and Yoakum—11.

The negative voters were

Messrs. Ashe, Brown, Frey, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Sevier, Turney, Wheeler and Speaker Coe—11.

So said amendment was rejected.

The question then recurred upon the adoption of the resolution, and being thereon had said resolution was adopted—ayes 22.

The ayes and noes being demanded the affirmative voters were

Messrs. Aiken, Anderson, Ashe, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Love, Reneau, Sevier, Smith, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—22

Mr. Balch voting in the negative—1.

So said resolution was adopted.

Mr. Laughlin, from the committee on Federal Relations, made the following report, to wit:

The Committee on Federal Relations, to whom has been referred so much of the message of his Excellency, Newton Cannon, communicated to the General Assembly, and dated the 8th of October last, as expresses a hope, in reference to the administration of the Federal Government, that "the country will ere long be delivered from the maladministration of its present rulers, with its pernicious train of experiments, abuses and spoliations," have had the same under consideration, and respectfully beg leave to report,

That your committee have been wholly unable, from any thing contained in said message, or in the past action of the Federal Government, executive, legislative or judicial, during the late or present administrations, which can, in the slightest degree, even by implication, afford the least warrant of authority for the imputation contained in that portion of the said message above quoted. There has been nothing in the current history of the times, present or past, in regard to the present or late administration, which can be construed into a ground for the assertions quoted; nor for the ascription of the deranged state

of the currency, contained in said message, to "wild financial experiments" of the executive administration of the General Government.

Your committee will not enter upon the discussion of a subject which has already been discussed and adjudged by the people, upon a full understanding of all the facts; nor will they presume to inquire into the political motives which may have prompted the late Governor to indulge in his message in imputations wholly groundless, as your committee believe, and wholly foreign to his constitutional duty of recommending to the General Assembly, for their consideration, such measures as may be within their proper sphere of action.

Your committee, while they disclaim all right of enquiring into the private motives of the late State Executive, and entertaining for him personally sentiments of respect, believe it to be their duty, as enjoined by the order referring the subject to their consideration, to express their decided disapprobation of erroneous official statements, whether the same have had their origin in innocent mistakes, or in misapprehension generated by party spirit.

Your committee have not been instructed to recommend any specfic action on the able subject referred to them; but they have deemed the above brief report due to themselves, to the Senate, and to their constituents.

Signed, S. H. Laughlin,
John E. Wheeler,
Thomas Love.

Mr. Brown moved that the report be re-committed to the committee that the principles contained in it may be considered by all the members of said committee.

And thereupon the question was had and determined in the negative—ayes 10, noes 13. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Jones of Hickman, Marshall, Reneau: Sevier, Terry and Walton—10.

The negative voters were,

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Wheeler, Yoakum and Mr. Speaker Coe—13.

So said motion was rejected.

The resolution heretofore submitted by Mr. Yoakum directory to the board of common school commissioners was taken up and read.

Mr. Jones of Lincoln moved to strike out '$300,' and insert '$500,' which motion prevailed. And thereupon the resolution was read and adopted—ayes 14, noes 9.

The ayes and noes being demanded the affirmative voters were

Messrs. Aiken, Brown, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Love, Marshall, Smith, Turney, Walton, Wheeler, Yoakum and Speaker Coe—14.

Those who voted in the negative were

Messrs. Anderson, Ashe, Balch, Frey, Jennings, Jones of Hickman, Sevier, Terry and Warner—9. So said resolution was adopted.

Mr. Anderson proposed to take up the resolution of the House of Representatives proposing to adjourn on the 30th inst. which motion failed—ayes 11, noes 13.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Terry, Walton and Yoakum—11.

The negative voters were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Wheeler and Speaker Coe—13.

So said motion was rejected.

The Senate resumed the consideration of the bill to establish the county of Macon.

Mr. Ashe moved to lay the motion heretofore made by Mr. Yoakum, that the said county should first be surveyed, on the table.

And thereupon the question was had and determined in the affirmative—ayes 12, noes 11. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Gillespy, Laughlin, Marshall, Reneau, Sevier, Terry Turney and Walton—12.

The negative voters were

Messrs. Aiken, Balch, Hardwicke, Jones of Hickman, Jones of Lincoln, Love, Smith, Warner, Wheeler, Yoakum and Mr. Speaker Coe—11.

So said motion of Mr. Yoakum was ordered to the table.

The question then recurred upon the passage of the bill, and being had it was determined in the negative—ayes 9, noes 14.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Brown, Frey, Gillespy, Marshall, Reneau, Sevier, Terry and Walton—9.

The negative voters were,

Messrs. Aiken, Ashe, Balch, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Wheeler Yoakum and Speaker Coe—14.

So said bill was rejected.

On motion of Mr. Smith the Senate receded from their amendment to the bill, to legalize the location of the Franklin and Columbia turnpike company.

The Senate took up and considered the House' amendment to the bill authorizing the extension of the streets, alleys and margins in towns in certain cases, and concurred with. Also the amendments of the House to the bill to regulate and alter the several Chancery and Circuit courts and for other purposes—and concurred therewith.—They also concurred with the amendment proposed by the House to the bill to extend certain privileges to the owners of iron works; and to the bill to prevent frauds in entering and selling land previously appropriated.

The resolution from the House of Representatives proposing to adjourn without day on to-morrow, was on motion of Mr. Yoakum taken up.

Mr. Smith moved to lay said resolution on the table.

And thereupon the question was had and determined in the affirmative—ayes 10, noes 9. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Brown, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Wheeler and Speaker Coe—10.

The negative voters were

Messrs. Anderson, Ashe, Frey, Marshall, Reneau, Sevier, Terry, Walton and Yoakum—9.

Said motion prevailed.

Mr. Terry submitted the following, to wit:

*Resolved by the General Assembly of the State of Tennessee*, That ten thousand copies of the captions of the public and private acts passed during the present session, be printed for the use of the present General Assembly.

And the rule being suspended requiring resolutions to lay one day on the table, said resolution was adopted.

Mr. Frey from the committee on enrollments, reported as correctly enrolled, an act supplementary to the act to incorporate the Lagrange and Memphis rail road company.

An act to authorize Josiah M. Anderson of Marion county and George W. Williams of Hamilton county to open a turnpike road.

An act to prevent public county roads from being obstructed by certain turnpike companies and others,

An act to distribute the academy funds and for other purposes. And

An act to consolidate the funds and to provide for but one instead of two separate classes of public schools in Lincoln county in this State, all of which were signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

A message from the House of Representatives by Mr. Crockett, their clerk:

Mr. Speaker: The Speaker of the House of Representatives did this day sign an enrolled act to authorize the entry taker of the Ocoee District to correct mistakes and refund money,

An act to incorporate the Nashville and White's creek springs turnpike company,

An act to amend an act of 1831, ch. 40, entitled an act to abolish imprisonment for debt except in cases of fraud,

An act to prevent fraud and imposition in the sale of salt and sugar,

An act granting further time to Samuel B. Mead to complete his road across the Lookout and Raccoon mountain,

An act to encourage the manufacture of iron in the Ocoee District,

An act to authorize the County court of Hamilton county to prevent the building of mills in certain cases,

A resolution directory to Edmund W. Tipton or the entry taker of Tipton county,

An act to authorize the citizens of Cocke county to build mill dams across Big Pigeon river in Cocke county,

An act to amend an act to incorporate the town of Athens, passed in 1833,

An act to give the county courts the power to elect commissioners on the Obion river and for other purposes,

An act for the relief of Henry Stevens of Monroe county,

An act repealing all laws declaring Wolf river navigable,

An act to explain an act passed Nov. 7th 1837 confirming additional authority on the commissioners of the town of Perryville and for other purposes,

An act to amend the charter of Aaron Higginbotham's turnpike road across the Cumberland mountains,

An act for the benefit of certain persons residing on part of Walden's ridge in Rhea county,

An act to authorize and require the Chancellor of the Western Division to hold a special court in the town of Sommerville, And

An act to secure the State in the trial of criminal cases.

And then he withdrew. Whereupon the Speaker of the Senate signed said enrolled acts, and ordered them to be deposited in the office of the Secretary of State.

Mr. Frey from the committee of enrollment, reported as correctly enrolled, an act to carry into operation the lunatic hospital,

A resolution directory to the Secretary of State,

An act to explain an act, passed Jan. 17th 1838, ch. 109, And

An act requiring the distribution of the interest of the common school monies in Davidson, Rutherford and Bedford counties. All of which were signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

The Senate took up and concurred with the amendment proposed by the House of Representatives to the bill to provide for the collection of the demands due the Bank of Tennessee and other demands in which the State has an interest. And also the amendment to the bill directory to the Secretary of State.

A bill to provide for the taking the enumeration of the free white male inhabitants of the State of Tennessee, in the year 1841, was read a third time and passed—ayes 17.

The ayes and noes being required, those who voted in the affirmative were,

Messrs. Anderson, Brown, Frey, Hardwicke, Jones of Hickman, Jones of Lincoln, Love, Marshall, Reneau, Sevier, Smith, Terry, Turney, Warner, Wheeler, Yoakum and Speaker Coe—17.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up and considered the amendment proposed by the House to the bill to define the duties of the Governor and the time of service of directors of internal improvement companies.

Mr. Anderson offered an amendment to the amendment of the House.

Mr. Jones of Lincoln offered an amendment to the amendment of Mr. Anderson, which was accepted.

Mr. Hardwicke moved to lay both the amendments on the table.

And thereupon the question was had and determined in the negative—ayes 6, noes 14. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Gillespy, Hardwicke, Jennings, Wheeler, Yoakum and Speaker Coe—6.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Smith, Turney and Warner—14

So said motion to lay on the table was not sustained.

The question then recurred upon the amendment of Mr. Anderson as amended; which was adopted. And thereupon the Senate concurred with the House's amendment as amended—ayes 13 noes 7.

The ayes and noes being demanded the affirmative voters were

Messrs. Anderson, Frey, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Smith, Terry, Turney, Walton, Warner, Wheeler and Yoakum—13.

The negative voters were

Messrs. Ashe, Brown, Gillespy, Hardwicke, Reneau, Sevier and Speaker Coe—7.

So said amendment was concurred with.

The Senate also took up and considered the amendment of the House to the bill to reappoint Dr. Gerard Trooste to the office of Geologist, Mineralogist and Assayer of the State of Tennessee.

Mr. Turney moved the indefinite postponement of the bill and amendment.

And thereupon the question was had and determined in the negative—ayes 9, noes 13. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Hardwicke, Jones of Hickman, Love, Terry, Turney, Warner, Wheeler and Speaker Coe—9.

The negative voters were

Messrs. Ashe, Brown, Frey, Gillespy, Jennings, Jones of Lincoln, Laughlin, Marshall, Reneau, Sevier, Smith, Walton and Yoakum—13.

So said motion to postpone indefinitely was rejected.

On motion of Mr. Ashe, said amendments were concurred with.

A bill to incorporate the Savanah and Waynesborough turnpike company, was read; and on motion of Mr. Jones of Lincoln said bill wasindefinitely postponed.

The Senate receded from their amendment to the House amendment to the bill to regulate the salaries of the officers of the Bank of Tennessee and branches.

A bill to repeal part of an act passed on the 9th day of February, 1839, entitled an act to provide for the appointment of a collector of the revenue and define his duties, and for other purposes, was read.

Mr. Love offered an amendment in lieu of the whole bill.

Mr. Turney proposed to strike out 'two thirds' and insert 'one fifth,' which was accepted.

Mr. Turney offered a further amendment, to wit:

*Be it enacted*, That in all cases where any lands may be sold for the taxes, such sale shall be good and effectual to vest the title in the purchaser against all persons having claims thereto, notwithstanding any informality or imperfection in the judgment, motion or other proceedings, provided the taxes were unpaid at the time of the sale.

And thereupon the question was had and determined in the negative—ayes 15, noes 9. The ayes and noes being demanded, the affirmative voters were

Messrs. Aiken, Ashe, Balch, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Wheeler, Yoakum and Speaker Coe—15.

Those who voted in the negative were

Messrs. Anderson, Brown, Frey, Jones of Hickman, Marshall, Reneau, Sevier, Terry and Walton—9.

So said amendment was adopted.

The question then recurred upon the passage of the bill, and being had thereon it was determined in the affirmative—ayes 12, noes 11.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Ashe, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Wheeler and Yoakum—12.

The negative voters were,

Messrs. Anderson, Brown, Frey, Jennings, Jones of Hickman, Marshall, Reneau, Sevier, Terry, Walton and Speaker Coe—11.

And so said bill passed its third reading, was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up and considered the amendment of the House to the bill to abolish the mayor's court in the city of Nashville.

Mr. Jennings moved to amend by striking out the last section of the amendment; which prevailed.

Mr. Yoakum offered an amendment providing that all qualified voters under the constitution and laws of Tennessee shall be entitled to vote for mayor and aldermen of the city of Nashville.

Mr. Jennings offered the following in lieu of the amendment proposed by Mr. Yoakum, to wit:

*Be it enacted*, That the tax collector of the corporation of Nashville, shall attend at the office of the recorder of said corporation during the first ten days of the month of August of each year, for the purpose of assessing the taxable inhabitants of the city, and shall be required, on penalty of a fine of twenty dollars for each case of neglect or refusal, to assess and enroll every citizen who may present himself for that purpose, and shall furnish each person so assessed and enrolled, with a certificate thereof, as follows:

"I, tax collector of the city of Nashville, certify that has been assessed for tax due to the corporation for the year ."

*Be it enacted*, That due notice of the time and place at which the

collector will attend for the purpose herein directed, shall be given by publication in three of the principal newspapers in Nashville, during the two weeks immediately preceding the time at which said assessment and enrollment is to be made.

*Be it enacted*, That the judges of the various elections which may be held hereafter for the purpose of electing the officers of the corporation of Nashville shall not receive the vote of any person who shall not have paid his tax to said corporation for the current year, or shall not exhibit to said judges a certificate of assessment and enrollment, such as is herein described.

And thereupon the question was had and determined in the negative—ayes 7, noes 15. The ayes and noes being required, the affirmative voters were

Messrs. Brown, Frey, Jennings, Marshall, Reneau, Sevier and Terry—7.

The negative voters were

Messrs. Aiken, Anderson, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Walton, Wheeler, Yoakum and Speaker Coe—15.

So said amendment was rejected.

Mr. Gillespy moved that the Senate recede from their amendment to the bill to define the duties of the Governor, and for other purposes, limiting the salaries of rail road officers to fifteen hundred dollars.

And thereupon the question was had and determined in the negative—ayes 7, noes 13. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Ashe, Gillespy, Jennings, Reneau, Smith and Speaker Coe—7.

Those who voted in the negative were

Messrs. Anderson, Frey, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Sevier, Turney, Warner, Wheeler and Yoakum—13.

So said motion failed.

Mr. Anderson moved that the Senate recede from its amendment to the bill to amend the bill to amend an act chartering the bank of the State of Tennessee, passed Nov. 20, 1811.

And thereupon the question was had and determined in the negative—ayes 10, noes 11. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Walton and Wheeler—10.

Those who voted in the negative were

Messrs. Aiken, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Turney, Warner, Yoakum and Mr. Speaker Coe—11.

So said motion failed.

Mr. Laughlin thereupon moved the appointment of a committee of conference on the said amendments,—which motion prevailing, the

Speaker appointed Messrs. Laughlin, Turney and Yoakum to be of said committee on the part of the Senate.

*Ordered*, That the clerk acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr. Crockett their Clerk:

Mr. Speaker: The House of Representatives concur with the Senate's resolution to remove the Seat of Government from the city of Nashville to the town of Murfreesborough in the county of Rutherford.

The Speaker of the House of Representatives did this day sign an enrolled act to alter and amend the several acts in relation to the Bean's station turnpike road,

An act to amend an act to establish turnpike bridges in the Western District,

An act to authorize Joseph Kimbrough, William Brown and William K. Waddy to open a turnpike road,

An act to repeal all laws declaring the Little North Fork of Forked Deer river navigable,

An act to incorporate the Central Female Academy at Hartsville,

An act appointing commissioners to view and lay off an alteration or change in part of the road leading from Newport to Sevierville,

An act to extend the corporate limits of the town of Gallatin in the county of Sumner,

An act to incorporate the Memphis Female Academy, and for other purposes, and

An act to authorize judgment by motion to be taken against clerks of the several courts of this State, for failing to render an account and paying over monies by them collected for the use of the several counties of this State.

And then he withdrew. Whereupon the Speaker of the Senate signed the said enrolled acts and ordered them to be deposited in the office of the Secretary of State.

The bonds of the President and directors of the Union Bank of Tennessee, and of the President and Directors of the Planters Bank of Tennessee, for the surplus Federal revenue now on deposite in said institutions, were received, read and ordered to be deposited in the office of the Secretary of State.

Mr. Frey, from the committee of enrollments, reported an act to incorporate the Duck River Steam Navigation Company,

An act to incorporate an academy in the county of Claiborne, to be called the Powell's Valley male academy,

An act to dispose of the profits of the Penitentiary, and for other purposes,

An act to reappoint Dr. Gerard Troost to the office of geologist, mineralogist and assayer of the State of Tennessee,

An act to regulate the salaries of the officers of the Bank of Tennessee and branches,

An act to authorize the Cumberland and Stone's river turnpike to surrender their charter for a part of said road,

An act for the benefit of sheriffs and to pay the guard necessary in conveying persons to jail, and

An enrolled resolution removing the seat of Government from the city of Nashville to the town of Murfreesborough, in the county of Rutherford.

The Speaker of the Senate signed the said enrolled acts and resolution, and ordered them to be transmitted to the House of Representatives.

Then the Senate adjourned.

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THURSDAY MORNING, Jan. 30, 1840.

Mr. Marshall from the judiciary committee, to whom was referred the memorial of the Western District Bar, reported that the committee have had the same under consideration, think the subject matter therein contained unreasonable and had instructed him to ask that the committee be discharged from its further consideration. Which report was read and concurred with.

The Senate took up and considered the message from the House of Representatives nonconcurring with the Senate's amendment to the bill, to alter and amend the 11th section of ch. 17, of the public acts of 1835 and '36.

Mr. Marshall moved that the Senate insist upon its said amendment; which motion prevailed.

A bill for the relief of Edward Sharp, of Bradley county, as amended by the House, was also considered, and on motion of Mr. Gillespy the Senate concurred therewith.

A bill to authorize the county court of Blount county to make an allowance to James Glass, as amended by the House, was read and concurred with.

A message from the House of Representatives by Mr. Crockett their Clerk:

Mr. Speaker: The House of Representatives have adopted a resolution directory to J. Geo. Harris, Printer, in relation to the distribution of the Report of Dr. Gerard Troost, made to this General Assembly.

Mr. Yoakum offered an amendment providing that the distribution of said report should be distributed in proportion to the number each member is entitled to, with the distribution of the acts and journals of this General Assembly; which amendment was accepted.

Thereupon the resolution was concurred with by the Senate.

Mr. Anderson moved to take up the message from the Governor nominating the Directors of the Bank of Tennessee.

And thereupon the question was had and determined in the negative—ayes 10, noes 11. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Marshall, Reneau, Sevier, Terry, Walton and Wheeler—10.

The negative voters were

Messrs. Balch, Gillespy, Hardwicke, Jones of Hickman, Laughlin, Love, Smith, Turney, Warner, Yoakum and Speaker Coe—11.

So said motion failed.

Mr. Marshall moved to take up the resolution from the House proposing to adjourn on this day.

And thereupon the question was had and determined in the affirmative—ayes 12, noes 9. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Jones of Hickman, Marshall, Reneau, Sevier, Terry, Walton, Warner and Yoakum—12.

Those who voted in the negative were

Messrs. Balch, Gillespy, Hardwicke, Laughlin, Love, Smith, Turney, Wheeler and Speaker Coe—9.

So said resolution was taken up.

Mr. Gillespy moved to strike out 'Thursday, the 30th,' and insert 'Saturday the 1st day of February;' which amendment was accepted, and thereupon the resolution was adopted.

The Senate took up the resolution from the House, directory to the sheriffs of Robertson, Montgomery, Dickson and Davidson counties—directing that said counties be surveyed for the purpose of ascertaining the boundaries of the proposed new county of Cumberland.

Mr. Hardwicke moved to strike out 'the sheriff of Dickson' and also 'Dickson county;' which motion prevailed—ayes 13, noes 9.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Wheeler, Yoakum and Speaker Coe—13

Those who voted in the negative were

Messrs. Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Terry and Walton—9.

So said motion prevailed; and thereupon the said resolution was read and concurred with.

Mr. Yoakum submitted the following, to wit:

*Resolved by the General Assembly of the State of Tennessee*, That the Governor and officers of Government of the State of Tennessee, shall not be required to remove their offices to the town of Murfreesborough, until the third Monday next before the next sitting of the General Assembly of the State of Tennessee; provided that nothing herein contained shall prevent said officers from being removed before that time.

Mr. Brown moved that the Senate recede from their amendment in lieu of the bill to repeal part of an act passed on the 9th of February, 1836, entitled an act to provide for the appointment of a collector of the revenue and define his duties, and for other purposes, which motion prevailed—ayes 14; noes 6.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Brown, Frey, Jennings, Jones of

Hickman, Jones of Lincoln, Marshall, Sevier, Turney Walton, Yoakum and Speaker Coe—14.

The negative voters were

Messrs. Gillespy, Love, Smith, Terry; Warner and Wheeler—6.

So the Senate agreed to recede from said amendment.

Mr. Reneau, from the committee on Federal Relations, made the following

MINORITY REPORT:

The undersigned, two of the committee on Federal relations, having seen a report signed by a majority of that committee, which has been introduced to, and adopted by the Senate, severely censuring the late Governor of the State, for having, in his Message to the Legislature of the 8th of October last, "expressed a hope," that "*the country will ere long be delivered from the maladministration of its present rulers, with its pernicious train of experiments, abuses and spoliations,*" believe it to be their duty to declare, (as far as they can, under the circumstances,) the reasons why they could not give to that report the sanction of their names.

We the minority of the committee regret that the circumstances under which the report of the majority has come forward render it impracticable for us to present all the objections we have to it, or to do any thing like justice to those we may mention. At no time has the minority of your committee had the honor of a seat with the majority, or the pleasure of participating in its deliberations, or even the knowledge of the time or the place of its sessions. And never having had an intimation until about nine o'clock the night before last, that a report of any kind, was contemplated touching any subject contained in the Message of the late Governor, and expecting the Legislature to adjourn this evening, or to-morrow morning at farthest, we shall present, but very briefly some, and only some of the many objections which we think lie against that report.

Its principal object seems to be to defend the late and present administrations against the charge of having made experiments injurious to the currency—that being understood to be the subject alluded to in the language above quoted from Governor's Message: and in order to render his opinions upon this subject of no avail, it is too strongly intimated to be misunderstood, that the language mentioned was prompted by private grief and ill will, occasioned, (as we understand it is intended to have it believed,) by his having been disappointed in his hopes of re-election.

The few observations which the minority of your committee have time to present, will be made with a view to sustain the charge that the late administration did embark in "a scheme of wild financial experiments," which has had the effect of deranging and depreciating the currency, and involving the whole country in distress; and that those ruinous experiments had, and still continue to have, the sanction of the present Chief Magistrate of the Union. In the report above alluded to it is said: "There has been nothing in the current history of the times, present or past, in regard to the present or late administrations, which can be construed into a ground for the assertions quoted; nor for the ascription of the deranged state of the currency, contained in said Message, to "wild financial experiments," of the Executive Administration of the General Government."

A few simple facts will show whether there be any thing "in the current history of the times, present or past," which will prove that there are reasons for ascribing the deranged state of the currency to the measures of the late and present administration.

When Gen. Jackson came to the presidential office, he found himself at the head of a happy people, with a currency of paper and the precious metals. At that time the former was as good as the latter, and very often the notes of the U. S. Bank were even better to the holder than the specie itself, for in many instances the former could obtain from the merchant an hundred and one dollars in specie for one hundred in current bank notes.—At this period the state banks felt it their interest to keep the issues of their paper within the bounds of their ability to pay it at any time; for if they had not done so, merchants and other traders would have had nothing to do with it, because they could obtain U. S. paper which was in all cases equal, and in many superior, to silver. At this time a ten dollar note in Maine was worth ten dollars in gold or silver in Georgia, and so was the case all over the U. States.

This condition of the currency continued until after Gen. Jackson made his attack upon the United States Bank, and determined on its destruction. Those who were opposed to the attack then made upon that institution, predicted precisely the very state of things which has been experienced for several years past. By them we were told, that if the Bank went down, it would be followed with a flooding of the country with the paper of State Institutions, and that after a little that would be followed by a depreciated currency, bankruptcies and broken banks.

But the war went on, and apprehending that there might be a scarcity of bank notes, in consequence of the withdrawal of the United States paper from circulation, legislatures were stirred up to the chartering of State Institutions, which it was said could furnish as good paper as the United States Bank. Confidence in the State banks and jealousy of the United States bank, were seen to be necessary to reconcile the people to an abandonment of the latter and to make its annihilation more easy, speedy and certain. To increase this confidence in the one case, and to excite apprehensions in the other the Executive removed the deposits from the United States Bank, and placed them in the State institutions.

During this period the work of chartering State Banks spread itself all over the United States, and new State banks sprung up in every quarter of the Union. The encouraging spirits of this work were to be found in Benton Van Buren, and the then President. Among other instances of encouragement, the President, on divers occasions, besides his reproaches of the United States Bank, declared the State institutions to be as safe fiscal agents for the transaction of the monetary business of the United States, as the United States bank had ever been. He often insisted that these banks would furnish the people with a sound currency and spoke largely of their shipping specie from Europe. In corroboration of these views, Benton looked forward to a golden day, and predicted the possession of the shining gold metal by every man in the country. With this, as well as all other work of the President, Martin Van Buren, who was always understood to be his chief counsellor, declared himself to be so well pleased that when a candidate for the succession, he pledged himself to tread "in the footsteps of his illustrious predecessor." After this work had progressed for a time, the United States Bank being down, the President in some of his messages to Congress congratulated the nation upon the happy effects of "the experiments." We speak from recollection not having time to procure or examine documents.

But all this process of measures boasted of as they were in high places soon worked to their natural and predicted results of Bank suspensions, a depre-

ciated currency, bankruptcies and broken banks. In this condition of things our rulers turned round and abused the State banks as violently as they a short time before had the U. S. Bank. The Government now, like an ill-natured man with his neighbors, having fallen out with all the institutions with which it had ever made arrangements for the safe keeping of the public revenue, was left to itself, and in this condition it determined the keeping of its millions in the hands of its various officers. The experiment of this determination, like the preceding, was soon found to be attended with ruin and "spoliations" upon the public interest. In a few years it was ascertained that between twelve and fifteen hundred thousand dollars of the public money had been embezzled by two individuals thus employed and trusted, with which, it is understood, they put off and went to Europe, besides this there were numerous other cases in which the officers employed, converted to their own use and made default in the payment of hundreds of thousands of dollars, as strage as it may seem, some of these continued to enjoy the confidence of the Government, after their conduct was known to the Secretary of the Treasury and the President. After all these ruinous experiments, there is now a great struggle going on for the adoption of another, but we need not speak of the sub-Treasury to which we here allude.

Among the many links in the chain of wild and injurious experiments made upon the currency, that of the "specie circular" as it is commonly called is one. This required emigrants to the new countries, who purchased public lands, to pay for them in specie. Whether this circular was intended to operate upon the wealthy importing merchants, when paying the taxes due on their imported goods or not we cannot say. But by the late report of the Secretary of the Treasury, we find that whilst the purchasers of public lands in new countries have been compelled to pay for them in specie, the importing Merchants have enjoyed the privilege of paying their dues in bank notes. To this point, the language of the Secretary's report is as follows: to wit: "At the recent suspension of specie payments, most of the funds in the custom houses were composed of bank notes but nearly half of those in the land offices consisted of specie," &c.

This, we think has operated oppressively on the inhabitants of the new countries, by draining their specie from among them to the city of Washington there to be paid out again among the officers and thrown into circulation in the Eastern States and seaport towns. And when we reflect that the merchants in these States and seaports where this specie is thrown into circulation, have been allowed to pay their dues in paper, we cannot but view the policy of the specie circular as unwise and extremely partial and unjust.—Another objection to this policy is to be found in the Post Office Department, which operates as a drain of the specie from every quarter of the Union to the Capitol, where it is again thrown into circulation, among a people favored with the privilege of paying their public dues in paper—a privilege denied to the less favored portions of the community.

The facts to which we have here given a hurried statement, belong to the common history the country, during the late and present administrations of the affairs of the General Government. With these facts before us, *we* have been wholly unable to find any error in the language of the late Executive quoted by the majority of said committee, and on which they predicated their censures, to wit: his expression of a hope in relation to the currency, that "the country will ere long be delivered from the maladministration of its present rulers, with its pernicious train of experiments, abuses and spoliations." Nor are we able to consider the process of measures indicated by the facts which

we have stated, in any other point of view, than as constituting an unwise and an unjust scheme of "wild financial experiments."

To these "financial experiments" we believe is mainly attributable the great pecuniary embarrassments, with which the country is and for a long time has been enlisted. Of some things which we will now state we are positively certain, and in them we cannot be mistaken.

First. When these experiments commenced, we had a sound currency, and universal prosperity blessed the land.

Secondly. We know, that when these experiments were entered into, the opposers of the scheme predicted that the distressing times which have come upon us, would be their infallible consequences.

Thirdly. We know, that though we were promised that these experimental measures would make specie more plenty, their operation has been followed with a much greater scarcity than existed at the time of their commencement.

Fourthly. We know that the State Banks did not prove to be as good fiscal agents as the United States Bank was, though we were told they would; but on the contrary they proved signally deficient and involved the Government in embarrassments.

Fifthly. We know that the State Banks entirely failed to furnish the country with a sound paper currency, as we were told they would do.

Sixthly. We know, that after the deposites were removed from the United States Bank, and placed in the State Banks, where it was said they would be more safe, it was not long before the government, like our embarrassed, moneyless citizens, was reduced to the humbling necessity of giving its notes, commonly called Treasury Notes, for its little debts, instead of paying them off in money.

Seventhly. We know that during the many years that the United States Bank acted as the fiscal agent of the United States, and handled its monthly millions, not one dollar was ever lost to the Government.

Eighthly. We know that when the "financial experiments," of which we have spoken, commenced, we had a treasury which had been forty years increasing with surplus millions, but, that, after they had operated for a short time, we saw the Government executing its promissory notes to its creditors.

Ninthly. We know, that since these "financial experiments" have had their effect upon society, one universal scene of pecuniary distress has spread itself over the land, embarrassing all the business of the people,—checking all their enterprize,—and spreading before them a hopeless gloom of discouraging prospects.

Tenthly. We know that when the "financial experiments" were first commenced, their opposers called them by nick-names, as for example, "the golden humbugs," and predicted the consequences of suspensions, broken banks, bankruptcies, depreciations and universal distress and ruin, for which they were called by the friends of the measures, federalists, &c.; and yet we have found all these predictions verified, and their evils all realized.

Eleventhly. Under this child-like policy, a part of which consisted in removing public money from one place to another, and placing it first in one set of hands and then in another, the plundering of the public money was carried on to an extent unknown to former times. To such an extent was the villainy of using the public money carried, that it became so familiar and common to the Secretary of the Treasury, and even to the President himself, that they permitted its constant use and embezzlement by inferior public officers, after they, the Secretary and President, had the most perfect

and positive knowledge of the facts. And in one case particularly, after the passage of many letters between the Secretary and officer in one of the land offices, and a communication made by the Secretary to the President, and a determination formed by the latter to remove the defaulter for tens of thousands,—even after this determination was made, and the officer informed of the fact, because a certain individual, who signed his name "JOHN F. H. CLAIBORNE" addressed the President on behalf of the defaulter, stating that he and his friends were good Democrats, his removal was abandoned, and he permitted to continue his practice. The individual to whom we allude was W. P. HARRIS, Esq., Receiver of public money, Columbus, Miss. In the letter of CLAIBORNE, of which we speak, he said to the President, speaking of Harris' connexions, "his family and connexions are extremely influential, and all of them are co-operating with us in the arduous struggle which we are now making. They are true Democrats," &c.

This letter, bearing date September 15, 1835, had the effect of disposing the President to let this "*true democrat*" continue in office, stealing the public money until the following August, when becoming tired, as we suppose, of embezzling the public money—he—yes, it is so—he recommended to the President, for his successor in office, a certain Boyd, who was appointed and carried on the same business, "treading in the footsteps of his illustrious predecessor." So early as March, 1834, we find the Treasurer writing and complaining of Harris' failure to pay over the money he received.

If any should have a curiosity to know how much money Harris was a defaulter for, we state that in a letter written by the Secretary in June, 1836, to him, he speaks of one hundred and twenty eight thousand five hundred and eighty-four dollars seventy cents, being in his hands. But finally, according to our information, there were but about one hundred and ten thousand dollars lost. If we had time, we might go on and multiply instances where the Secretary connived at the embezzlement of the public money, but will not do so. What we have here said of the conduct of the President, the Secretary of the Treasury, Harris and Claiborne, we intend only as an illustration of many other cases we might mention, if we had time.

We now venture to predict, that no intelligent man who has pride of character, will ever be seen to deny upon paper over his name, any one of these facts we have stated. With a knowledge of these things, belonging as they do, to the records of the country, and the history of the late and present administrations, we, the minority of your committee, were unwilling to sign the report of the majority of the committee, and felt it our duty to state them upon our responsibility, and we believe them to be all sufficient to justify our late Governor, in all that he said in the Message before spoken of, in relation to the "pernicious train of experiments, abuses and spoliations" of the General Government, and the "mal-administration of its rulers."

All of which is respectfully submitted. LEWIS RENEAU,
H. H. BROWN.

Mr. Wheeler, from the joint select committee to whom was referred a resolution directory to the Superintendent of Public Instruction, made a report which was read and concurred with, and ordered to be transmitted to the House of Representatives.

The resolution heretofore submitted by Mr. Laughlin directory to the Secretary of State, was taken up and read.

The Speaker decided that said resolution was out of order, from which decision Mr. Gillespy appealed.

The question "will the Senate sustain the chair?" being put it was determined in the affirmative—ayes 13, noes 7.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Brown, Frey, Jennings, Jones of Hickman, Sevier, Smith, Terry, Turney, Wheeler and Yoakum—13.

The negative voters were

Messrs. Balch, Gillespy, Jones of Lincoln, Reneau, Walton and Warner—7.

So the decision of the chair was sustained.

Mr. Jones of Lincoln moved a concurrence with the amendment proposed by the House of Representatives to the 1st section of the bill to authorize the County court of Lincoln county to authorize the building of mills and factories in certain cases; which motion prevailed.

Mr. Jones then moved to strike out "main channel," and insert "the navigation," which was agreed to, and said amendment was concurred with. The other amendments proposed by the House to said bill were concurred with.

The Senate concurred with the amendment of the House to the bill to authorize Moses Thompson of Rhea county to open a turnpike road with a proviso thereto, offered by Mr. Turney.

Mr. Turney moved the appointment of a committee of conference on the amendment to the Senate's bill to define the duties of the Governor and the term of service of directors in internal improvement companies, which motion prevailed. And thereupon the Speaker appointed Messrs. Turney, Ashe and Wheeler to be of said committee on the part of the Senate.

*Ordered*, That the clerk acquaint the House of Representatives therewith.

The Senate nonconcurred with the amendment proposed by the House to their amendment to the bill to alter and amend the 11th section of ch. 17, of the public acts of 1835 and '36.

And on motion of Mr. Laughlin the Senate receded from their amendment to the House's amendment to the bill authorizing the county court of Lincoln county to grant the privilege of building mills and factories in certain cases.

Mr. Smith submitted the following, to wit:

*Resolved by the General Assembly of the State of Tennessee*, That the entry takers at the different land offices south and west of the congressional reservation line, he required to receive entry on all land warrants issued by the present General Assembly under the same rules and restrictions as warrants were entered under the act of 1835–36, and such other warrants as have been heretofore adjudicated and not entered.

And the rule being suspended requiring resolutions to lie one day on the table, aid resolution was adopted.

Mr. Jones of Hickman submitted the following, to wit:

*Resolved*, That the printer employed by the present General Assembly to print the journals of the Senate, be, and he is hereby directed

in making out and printing said journals not to embrace the report of the majority of the committee on federal relations on the subject of the late Governor's message relative to charges made him against the present administration of the General Government.

Mr. Jennings from the committee of conference, to whom was referred, a bill to define the duties of the Governor and the term of service of Directors in internal improvement companies, reported that the committee can come to no agreement, and asked to be discharged from its further consideration.

And thereupon the question was had and determined in the negative—ayes 18, noes 3. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Gillespy, Hardwicke, Laughlin, Love, Marshall, Sevier, Smith, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—18.

The negative voters were

Messrs. Jones of Hickman, Jones of Lincoln and Reneau—3.

So said committe was discharged.

Mr. Jennings moved a reconsideration of the vote of yesterday adhering to their amendment to the foregoing bill; which motion prevailed—ayes 15, noes 6.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs Anderson, Ashe, Brown, Frey, Gillespy, Hardwicke, Jennings, Marshall, Reneau, Sevier, Smith, Terry, Walton, Wheeler, Yoakum and Speaker Coe—15.

The negative voters were

Messrs. Jones of Hickman, Jones of Lincoln, Laughlin, Love, Turney and Warner—6

So said motion prevailed and the vote reconsidered.

Mr. Gillespy then moved that the Senate recede from their said amendment, which motion prevailed—ayes 15, noes 6.

The ayes and noes being required, the affirmative voters were

Messrs. Anderson, Ashe, Brown Frey, Gillespy, Hardwicke, Jennings, Marshall, Reneau, Smith, Terry, Walton, Wheeler, Yoakum and Speaker Coe—15.

Those who voted in the negative were

Messrs. Jones of Hickman, Jones of Lincoln, Laughlin, Love, Turney and Warner—6.

So the Senate receded from their amendment.

The Senate took up and considered with the House amendment A. B. and C., to the bill to incorporate the Shelbyville and Winchester and Jasper turnpike company; and nonconcurred with the amendment D. requiring the company to pay Samuel Harris a fair price for his turnpike road across the Cumberland mountain. And receded from the amendment to the bill to amend an act chartering the Bank of the State of Tennessee, passed Nov. 20th 1811, and for other purposes.

The Senate took up and considered the nominations of his Excellency James K. Polk, of directors for the Bank of Tennessee, made in pursu-

ance of the act to establish a State Bank to raise a fund for internal improvement, and to aid in the establishment of a system of education.

Mr. Coe being then on the floor presented the following communication from William Carroll:

NASHVILLE, Jan. 29, 1840.

*To the General Assembly of the State of Tennessee:*

Gentlemen: I request that you will not vote for me as a Director of the Bank of Tennessee.

Most respectfully,
your ob't. serv't
WILLIAM CARROLL.

After the reading of which, a committee consisting of Messrs. Coe and Anderson were appointed by Mr. Hardwicke then in the chair, to wait upon and inform his Excellency James K. Polk of the the request of William Carroll. Who after the lapse of a few moments, returned and moved that the Senate proceed with the vote on the nominations, passing over the name of Mr. Carroll; which motion prevailing, Senators who voted for the confirmation of the nomination of Samuel R. Anderson, were

Messrs. Anderson, Balch, Brown, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Love, Marshall, Sevier, Smith, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—18.

Those who voted against the confirmation were

Messrs. Ashe, Frey, Jennings, Jones of Hickman and Reneau—9.

So said nomination was confirmed.

The Senate next proceeded to the vote upon the nomination of Jonathan Currin of Rutherford county.

Senators who voted for the confirmation of the nomination of Mr. Currin, were

Messrs. Anderson, Brown, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Love, Marshall, Sevier, Smith, Terry, Turney. Walton, Warner, Wheeler, Yoakum and Speaker Coe—17.

Those who voted against the confirmation of Mr. Currin, were

Messrs. Ashe, Balch, Frey, Jennings, Jones of Hickman and Reneau—6.

So said nomination was confirmed.

The Senate next proceeded to the vote on the nomination of Nicholas Perkins of Williamson county.

Senators who voted for the confirmation of the nomination of Mr. Perkins, were

Messrs. Anderson, Brown, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Love, Marshall, Sevier, Smith, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—17.

Those who voted against the confirmation were

Messrs. Ashe, Balch, Frey, Jennings, Jones of Hickman and Reneau—6. So said nomination was confirmed.

The Senate next proceeded to the vote on the confirmation of the nomination of David Burford of Smith county.

Senators who voted for the confirmation were

Messrs. Anderson, Balch, Brown, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Love, Marshall, Smith, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—18.

Those who voted against the confiramation were

Messrs. Ashe, Frey, Jennings, Reneau and Sevier—5.

The Senate next proceeded to the vote on the nomination of Obadiah G. Finley of Wilson county.

Senators who voted for the confirmation of the nomination of Mr. Finley, were

Messrs. Anderson, Brown, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Sevier, Smith, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—18.

Those who voted against the confirmation were

Messrs. Ashe, Balch, Frey, Jennings and Reneau—5.

So said nomination was confirmed.

The Senate next proceeded to the vote on the nomination of Joseph W. Horton of Davidson county.

Senators who voted for the confirmation of the nomination of Mr. Horton, were

Messrs. Anderson, Balch, Brown, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Love, Marshall, Smith, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—17.

Those who voted against the confirmation were

Messrs. Ashe, Frey, Jennings, Jones of Hickman, Reneau and Sevier—6.

So said nomination was confirmed.

The Senate next proceeded to the vote on the nomination of William Nichol of Davidson county.

Senators who voted for the confirmation of the nomination of Mr. Nichol, were

Messrs. Anderson, Brown, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Love, Marshall, Sevier, Smith, Terry, Turney, Walton, Warner, Wheeler and Yoakum—16.

Those who voted against the confirmation were

Messrs. Ashe, Balch, Frey, Jennings, Jones of Hickman, Reneau and Speaker Coe—7.

So said nomination was confirmed.

The Senate next proceeded to the vote on the nomination of George W. Campbell of Davidson county.

Senators who voted for the confirmation of the nomination of Mr. Campbell, were

Messrs. Anderson, Balch, Brown, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Love, Marshall, Smith, Terry, Turney, Warner, Wheeler, Yoakum and Speaker Coe—16.

Those who voted against the congrmation were

Messrs. Ashe, Frey, Jennings, Jones of Hickman, Reneau, Sevier, and Walton—7.

So said nomination was confirmed.

The Senate next proceeded to the vote on the nomination of Felix Robertson of Davidson county.

Senators who voted for the confirmation of the nomination of Mr. Robertson, were

Messrs. Anderson, Balch, Brown, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Smith, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—18.

Those who voted against the confirmation were

Messrs. Ashe, Frey, Jennings, Reneau and Sevier—5.

So said nomination was confirmed.

The Senate next proceeded to the vote on the nomination of Willoughby Williams of Davidson county.

Senators who voted for the confirmation of the nomination of Mr. Williams, were

Messrs. Anderson, Balch, Brown, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Smith, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Speaker Coe—18.

Those who voted against the confirmation were

Messrs. Ashe, Frey, Jennings, Reneau and Sevier—5.

So said nomination was confirmed.

The Senate next proceeded to the vote on the nomination of John Harding of Davidson county.

Senators who voted for the confirmation of the nomination of Mr. Harding, were

Messrs. Anderson, Brown, Hardwicke, Marshall, Smith, Terry, Walton, Warner and Wheeler—9.

Those who voted against the confirmation were

Messrs. Ashe, Balch, Frey, Gillespy, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Sevier, Turney, Yoakum, and Speaker Coe—14. So said nomination was not confirmed.

The Senate then proceeded to vote on the nomination of William Carroll of Davidson county.

Senators who voted for the confirmation of the nomination of Mr. Carroll, were

Messrs. Anderson, Balch, Brown, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Sevier, Smith, Terry, Turney, Walton, Warner, Wheeler, Yoakum and Mr. Speaker Coe—19.

Those who voted against said nomination were

Messrs. Ashe, Frey, Jennings and Reneau—4.

So said nomination was confirmed.

Mr. Coe thereupon moved the appointment of a joint select committee to wait upon and inform his Excellency Jas K. Polk of the foregoing proceedings; which motion prevailing the Sepeaker appointed Messrs. Hardwicke and Anderson to be of said committee on the part of the Senate.

*Ordered*, That the clerk acquaint the House of Representatives therewith.

Mr. Jones of Lincoln presented the following, to wit:

The undersigned in giving their votes in confirmation of those nominees of the Governor as Bank Directors who were members of the board in October last, and voted that the bank of Tennessee should suspend specie payments, would not wish to be understood by any means as sanctioning their course upon that subject. But as the Representatives of a portion of the people of this State disapprove of, and protest against their votes in favor of the suspension and hope they will not again do likewise, and so instruct them.

Signed, GEORGE W. JONES,
HENDERSON YOAKUM,
JOHN F. GILLESPY,
JOHN BALCH,
JOHN E. WHEELER.

A message from the House of Representatives, by Mr. Crockett, their Clerk:

Mr. Speaker: The House of Representatives concur with your resolution directory to our Senators and Representatives in the Congress of the United States, in relation to the vacant and unappropriated land south and west of the Congressional reservation line.

They concur with your resolution referring grant No. 62 to the Secretary of State for adjudication, and with your resolution to print ten thousand copies of the captions of the public and private acts passed at the present session of the General Assembly.

The Speaker of the House of Representatives did this day sign an enrolled act to re-enact and amend an act to establish a system of common schools in the State of Tennessee, passed January 24, 1838,

An act to vest in the Circuit courts the power to restore certain persons to the rights of citizenship,

An act to provide for the taking the enumeration of the free white male inhabitants of the State of Tennessee in 1841,

An act to repeal part of an act passed on the 9th day of February, 1836, entitled an act to provide for the appointment of a collector of the revenue, and to define his duties,

An act to legalize the Franklin and Columbia turnpike road,

An act to amend the act incorporating the town of Sommerville, in the county of Fayette,

An act to authorize the county trustees of Bedford, Rutherford and Davidson counties to receive such monies as said counties may be respectively entitled to, upon the internal improvement fund of said counties, in the capital stock of the Nashville, Murfreesborough and Shelbyville turnpike,

An act to explain and make more plain the first and second sections of an act passed the 9th of February, 1836, entitled an act to provide for the appointment of a collector of the revenue, and to define his duties,

An act to incorporate the Sommerville college, in the county of Fayette,

An act to appropriate the school lands in the Ocoee district, in the

counties of Meigs, Hamilton and Marion, to the use of schools, for the instruction of children therein,

An act to refund to Brice A. Collins twenty-six dollars and fifty cents,

And an act to confer certain privileges on the commissioners of the town of Dyersburg.

And then he withdrew. Whereupon the Speaker of the Senate signed said enrolled acts, and ordered them to be deposited in the office of the Secretary of State.

Mr. Frey, from the committee on enrollments, reported as correctly enrolled, an act to regulate and alter the time of holding certain chancery and circuit courts, and for other purposes,

An act to amend the law in relation to executors and administrators,

An act to incorporate the Memphis manufacturing company and for other purposes,

An act to abolish the mayor's court of the city of Nashville, and to provide a substitute therefor,

A resolution referring grant No. 62 to the Secretary of State for adjudication,

An act authorizing the county court of Lincoln county to grant the privilege of building mills and factories in certain cases,

An act to provide for the collection of the demands due the State, or due the Bank of Tennessee, or other demands in which the State has an interest,

An act for the relief of certain purchasers and assignees of purchasers of reservations in the Hiwassee district,

An act authorizing the extension of streets, alleys and margins in towns in certain cases,

An act to extend the charter of the Paint mountain turnpike company,

An act to extend certain privileges to the owners of iron works,

An act to amend and explain the law in relation to notaries public,

An act to prevent fraud in entering and selling lands previously appropriated,

An act to authorize the county court of Blount county to make an allowance to James Glass, for jailer of said county,

An act for the relief of certain persons who have entered lands in the Ocoee district that the State cannot make titles to;

All of which were signed by the Speaker and ordered to be transmitted to the House of Representatives.

A message from the House of Representatives by Mr. Crockett, their Clerk:

Mr. Speaker: The House of Representatives concur with your resolution referring land warrant No. 1239 to the Secretary of State for adjudication, with an amendment thereto, herewith transmitted.

And then he withdrew; whereupon the said amendment was read and agreed to.

Then the Senate adjourned.

FRIDAY MORNING, Jan. 31, 1840.

Mr. Laughlin, from the joint standing committee on Banks, to whom had been referred certain resolutions concerning the banks, made a report, in addition to the special report heretofore made on the same subject, which being read was concurred with, and on his motion the following resolution, to wit:

*Resolved by the General Assembly of the State of Tennessee,* That the public printer be instructed to print the foregoing report and cause a copy of the same to be attached to each copy of the journals of the Senate and House of Representatives, by way of appendix to the same.

A message from the House of Representatives by Mr. Crockett their clerk.

Mr. Speaker: The House of Representatives non-concur with your proposition to appoint a joint select committee to wait upon his Excellency Gov. Polk and inform him of the action of the two Houses on the nomination of Directors of the Bank of Tennessee.

And then he withdrew.

Mr. Laughlin moved that the Senate recede from said proposition, and inform the House that the Senate will take no action on their message of nonconcurrence; which motion prevailed—ayes 15, noes 6.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Brown, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Reneau, Sevier, Smith, Walton, Warner, Wheeler, Yoakum and Speaker Coe—15.

Those who voted in the negative were

Messrs. Ashe, Frey, Gillespy, Jennings, Terry and Turney—6.

So said motion prevailed.

Mr. Laughlin then moved the reconsideration of the vote of yesterday rejecting the confirmation of the nomination of John Harding—which motion prevailed—ayes 16, noes 5.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Anderson, Brown, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Love, Reneau, Sevier, Smith, Terry, Walton, Warner, Wheeler and Yoakum—16.

Those who voted in the negative were

Messrs. Ashe, Frey, Jones of Hickman, Turney and Mr. Speaker Coe—5.

So said motion was reconsidered.

The Senate then proceeded to the vote on the nomination of Mr. Harding. Senators who voted for a confirmation of Mr. Harding were

Messrs. Anderson, Brown, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Love, Sevier, Smith, Terry, Walton, Warner, Wheeler and Yoakum—14.

These who voted against the confirmation were

Messrs. Ashe, Frey, Jennings, Jones of Hickman, Reneau, Turney, and Speaker Coe—7.

And so said nomination was confirmed.

The Senate took up and considered the amendments proposed by the House of Representatives to the resolution directory to the several entry takers south and west of the Congressional reservation line, and concurred with the amendments thereto.

The Senate also concurred with the proposition to strike out the latter part of the bill to incorporate the Van Buren male academy in Fentress county, and the Ocoee District academy.

They also concurred with the House's amendment to the bill for the relief of John Glass, of Bradley county; and to the amendment to the bill to authorize Allen White to open a turnpike road in Warren and Marion counties.

They also considered the amendment proposed by the House to the bill to amend an act granting Jessee Lincoln a turnpike road.

Mr. Gillespy offered an amendment to the House, which was accepted; and thereupon the Senate concurred with said House amendment as amended.

On motion of Mr. Marshall the amendments of the House to the resolution referring grant No. 3366 to the Secretary of State for adjudication was read and concurred with.

Mr. Marshall moved that a message be sent to the House, asking a committee of conference on the Senate's amendment to a bill to alter and amend the 11th section of chapter 17, of the public acts of 1835 and 1836; which motion prevailing, the Speaker appointed Messrs. Marshall, Reneau and Turney to be of said committee on the part of the Senate.

A message from the House of Representatives by Mr. Crockett their Clerk:

Mr. Speaker: The Speaker of the House of Representatives did this day pass a resolution rescinding the resolution removing the seat of Government from the town of Nashville to Murfreesborough, in the county of Rutherford, and ask the concurrence of the Senate thereto.

And then he withdrew.

Mr. Ashe moved a concurrence with said message.

And thereupon the question was had and determined in the negative—ayes 15, noes 9. The ayes and noes being demanded, the affirmative voters were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Smith, Terry and Walton—11.

Those who voted in the negative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Turney, Warner, Wheeler, Yoakum and Speaker Coe—13.

And so said resolution was not concurred with.

Mr. Yoakum moved that the resolution ubmitted by him on yesterday, prescribing the time when officers of the Government of Tennessee shall remove from Nashville to Murfreesborough, in the county of Rutherford, and offered an amendment in lieu of the whole, to wit:

*Resolved by the General Assembly of the State of Tennessee*, That nothing in the resolution passed the 29th of January, 1840, for the re-

moval of the Seat of Government from Nashville to Murfreesborough, until the third Monday next before the next regular meeting of the General Assembly.

Which was adopted in lieu of the original; and thereupon the question was had on the adoption of the resolution, and determined in the affirmative—ayes 14. noes 10.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Balch, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Wheeler, Yoakum and Speaker Coe—14.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Terry and Walton—10.

And so said resolution was adopted, and ordered to be transmitted to the House of Representatives.

Mr. Jones of Hickman moved that the Senate take up the resolution offered by him on yesterday, directing the public printer not to print with the Senate Journal neither the report of the majority nor minority of the committee on Federal relations on the subject of the late message of Ex-Governor Cannon. which motion was rejected.

Mr. Terry moved to take up a resolution heretofore submitted by him, requiring the Bank of Tennessee and branches to suspend the collection of discount on their loans for the term of two years; which was ordered up, read, and on motion of Mr. Laughlin, was laid on the table—ayes 20, noes 2.

The ayes and noes being required, those who voted in the affirmative were,

Messrs. Aiken, Anderson, Ashe, Brown, Frey, Hardwicke, Jennings, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Smith, Turney, Walton, Warner, Wheeler, Yoakum and Mr. Speaker Coe—20.

The negative voters were

Messrs. Gillespy and Terry—2.

So said resolution was ordered to the table.

A message from the House of Representatives by Mr. Crockett, their clerk:

Mr. Speaker: The House of Representatives concur with your resolution fixing the day when this General Assembly will adjourn without day; and nonconcur with your resolution adopted on the 19th January 1840, for removing the seat of Government from the city of Nashville to Murfreesborough.

And then he withdrew.

Mr. Laughlin moved that an insisting message be sent to the House of Representatives, asking a concurrence with said resolution.

Mr. Ashe made a point of order;—the Chair decided the said motion to be in order, from which decision Mr. Ashe appealed; and the question being thereupon had, the chair was sustained.

The question was thereupon had 'Shall an insisting message be sent

to the House of Representatives asking a concurrence with the said resolution?' and determined in the affirmative—ayes 13, noes 10.

The ayes and noes being demanded the affirmative voters were

Messrs. Aiken, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Wheeler, Yoakum and Speaker Coe—13.

The negative voters were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Terry and Walton—10.

So said motion prevailed.

A bill making an appropriation of money to defray the expenses of the present session of the General Assembly, and for other purposes, was taken up and read.

Mr. Jones of Lincoln offered an amendment to the said bill, providing that the salary of the cashier of the Bank of Tennessee shall be twenty-five hundred dollars per annum; which amendment was accepted.

The several amendments reported by the committee on finance were accepted; and thereupon the said bill as amended was ordered to the table.

Mr. Frey, from the committee on enrollments, reported as correctly enrolled,

An act directory to the Secretary of State,

An act to amend an act chartering the Bank of the State of Tennessee, passed Nov. 11, 1811, and for other purposes,

An act to authorize Moses Thompson of Rhea county, to open a turnpike road,

An act for the relief of the heirs of occupants in the Ocoee district,

An act to define and fix the duration of the terms of service of directors appointed to represent the State in companies chartered by the State for purposes of internal improvement,

An act to amend the acts incorporating the town of Memphis, in Shelby county,

An act to incorporate the Shelbyville, Winchester and Jasper turnpike company,

An act to amend an act granting Jessee Lincoln a turnpike road,

An act to authorize Allen White to open a turnpike road in Warren and Marion counties,

An act supplemental to an act passed January 17, 1838, to charter the White's creek Springs company,

An act to condense into one view the militia laws of the State of Tennessee,

An act to incorporate the Van Buren male academy in Fentress county, and for other purposes,

A resolution directory to the public printer,

A resolution directory to the Secretary of State to adjudicate land warrant No. 1239,

A resolution directory to our Senators and Representatives in the

Congress of the United States, in relation to the vacant unappropriated lands south and west of the congressional reservation line.

A resolution directory to the several entry takers south and west of the congressional reservation line.

A resolution referring grant No. 3366 for adjudication, all of which were signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

A message from the House of Representatives, by Mr. Crockett, their Clerk:

Mr. Speaker: The Speaker of the House of Representatives did this day sign an enrolled act to suspend the entry of lands in the Ocoee district. And an act to alter and amend the 11th section of ch. 17 of the public acts of 1835 and '36.

And then he withdrew. Whereupon the Speaker of the Senate signed said enrolled acts, and ordered them to be deposited in the office of the Secretary of State.

Mr. Anderson moved that the Senate take up the bill making an appropriation of money to defray the expenses of the present General Assembly and for other purposes.

And thereupon the question was had and determined in the negative—ayes 7, noes 11. The ayes and noes being required, the affirmative voters were

Messrs. Anderson, Frey, Jennings, Jones of Hickman, Marshall, Sevier and Walton—7.

The negative voters were

Messrs. Aiken, Gillespy, Hardwicke, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Yoakum and Speaker Coe—19.

So said motion failed.

Mr. Gillespy submitted a resolution directory to the Secretary of State and for other purposes.

And the rule being suspended requiring resolutions to lie one day on the table, said resolution was adopted.

*Ordered*, That the clerk acquaint the House of Representatives therewith.

On motion af Mr. Yoakum, the Senate took up the bill making an appropriation of money to defray the expenses of the present General Assembly and for other purposes.

Mr. Hardwicke offered an amendment thereto, making an appropriation of dollars to defray the expenses of removing the books, papers, and other documents belonging to the offices of the Secretary of State, Comptroller, Treasurer, &c. from the city of Nashville to the town of Murfreesborough, and for other purposes.

Mr. Yoakum moved to fill said blank 'with one hundred.'

Mr. Anderson insisted that the amendment offered by Mr. Hardwicke was out of order, and made the point. The Speaker decided the amendment to be in order, from which decision Mr. Anderson appealed.

And thereupon the question "will the Senate sustain the decision of the chair?" was had and determined in the affirmative—ayes 12, noes 9.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Wheeler and Yoakum—12.

The negative voters were,

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier and Walton—9.

So said decision was sustained.

The question was then had upon the motion of Mr. Yoakum to fill the blank with one hundred dollars, and being thereon had it was determined in the affirmative—ayes 13, noes 9.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Wheeler, Yoakum and Speaker Coe—13.

The negative voters were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier and Walton—9.

So said motion prevailed.

The question was then had upon the adoption of the amendment as a part of said bill, and determined in the affirmative—ayes 13, noes 9.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Wheeler, Yoakum and Speaker Coe—13.

The negative voters were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier and Walton—9.

So said amendment was accepted.

Mr. Jones of Hickman moved to strike therefrom "making appropriations for labour done on the lunatic asylum."

And thereupon the question was had and determined in the negative—ayes 5, noes 17. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Jones of Hickman, Turney, Warner, Wheeler and Speaker Coe—5.

The negative voters were

Messrs. Aiken, Anderson, Ashe, Brown, Frey, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Sevier, Smith, Walton and Yoakum—17.

So said motion failed,

The question then recurred upon a concurrence with the amendment of the House of Representatives as amended by the Senate, and being thereon had it was determined in the negative—ayes 9, noes 14.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Gillespy, Hardwicke, Jones of Lincoln, Love, Smith, Warner, Yoakum and Speaker Coe—9.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Jones of Hickman, Laughlin, Marshall, Reneau, Sevier, Terry, Turney, Walton and Wheeler—14.

So said amendment as amended by the Senate, was non-concurred with.

*Ordered*, That the clerk acquaint the House of Representatives therewith.

Which being done, Mr. Turney moved that the clerk be instructed respectfully to ask the House of Representatives to return the said bill, so as to enable the Senate to have further action thereon.

And thereupon the question was had and determined in the affirmative—ayes 12, noes 10. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Wheeler, Yoakum and Speaker Coe—12.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Gillespy, Jennings, Reneau, Sevier, Terry and Walton—10.

And so said order was made.

After the lapse of a few minutes the following message was received from the House of Representatives.

Mr. Speaker: I am directed to return to the Senate in accordance with your respectful request, the bill making an appropriation of money to defray the expenses of the present General Assembly and for other purposes. And then he withdrew.

Mr. Turney thereupon moved a reconsideration of the vote nonconcurring with the amendment of the House of Representatives as amended by the Senate to the said bill, which motion prevailed—ayes 12, noes 10.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Smith, Turney, Warner, Wheeler, Yoakum and Speaker Coe—12.

The negative voters were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Terry and Walton—10.

And so said motion prevailed.

Mr. Yoakum thereupon moved a reconsideration of the vote refusing to strike out from said bill that part thereof which provides for appropriations for labour done upon the lunatic hospital, as moved by Mr. Jones of Hickman.

And thereupon the question was had and determined in the affirmative—ayes 13, noes 10. The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Wheeler, Yoakum and Speaker Coe—13.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Terry and Walton—10.

And so said vote was reconsidered.

The question was then had upon Mr. Jones's motion to strike out, and determined in the affirmative—ayes 13, noes 10.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Aiken, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Wheeler, Yoakum and Speaker Coe—13

The negative voters were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Terry, and Walton—10.

And so said motion prevailed.

Mr. Jennings thereupon offered the following as an amendment to said bill, to wit:

That in the event the seat of Government being removed to Murfreesborough, the electors of President and Vice President of the U. States who may be elected to cast the vote of Tennessee at the ensuing presidential election, shall meet for that purpose at the town of Murfreesborough, at the time prescribed by law.

Mr, Turney moved to lay said amendment on the table.

And thereupon the question was had and determined in the affirmative—ayes 13, noes 10. The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Turney, Warner, Wheeler, Yoakum and Speaker Coe—13.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Terry and Walton—10.

And so said amendment was laid on the table

The question then recurred upon a concurrence with the amendment of the House of Representatives as amended by the Senate, and being had thereon it was determined in the affirmative; ayes 12, noes 11.

The ayes and noes being required by the constitution, those who voted in the affirmative were

Messrs. Aiken, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Smith, Warner, Wheeler, Yoakum and Speaker Coe—12.

The negative voters were

Messrs. Anderson, Balch, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Terry, Turney and Walton—11.

And so said amendment was concurred with.

Mr. Smith submitted the following, to wit:

*Resolved by the General Assembly of the State of Tennessee,* That the resolution heretofore adopted fixing the day of adjournment of the present session of the legislature on Saturday the 1st day of February, be and the same is hereby rescinded and that the two Houses will close the present session of the General Assembly on the day of February, 1840.

And thereupon the Senate adjourned.

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SATURDAY MORNING, Feb. 1, 1840.

Mr. Gillespy submitted the following, to wit:

Whereas, grants now in the office of the Secretary of State have been signed by Newton Cannon, former Governor of Tennessee, and during his term of service, not countersigned by the Secretary of State, and sealed by the seal of the State, therefore,

*Resolved by the General Assembly of the State of Tennessee,* That the present Secretary of State be directed to countersign and seal any grant in his office and affix the seal of the State to the same, which has been signed by Newton Cannon, former Governor of this State, and during his term of service, not signed and sealed by the then acting secretary of State: Provided the grants so to be signed by the secretary of State shall have been signed in the office of the secretary, and shall be in the office and actually signed by the said Newton Cannon.

And whereas, many grants have been issued by the register of this State, and before the same were signed by the Governor, and countersigned and sealed by the Secretary of State, have been lost destroyed or mislaid, and whereas the registers by law are required when grants are issued by them, to note upon their registers the entries, number and quantity of such grants, and as such grantees cannot obtain a legal title to such lands, wherefore

*Resolved,* That the Register of this State be directed upon the affidavit of any grantor of the loss or destruction of any grant issued in his or her favor by any of the Registers of this State, before the same was signed by the Governor and sealed by the Secretary of State, to issue a duplicate grant for the same quantity of acres, and of the same date and number of the original grant, as the same shall appear from his register, and the Governor is directed to sign and the Secretary of State to countersign and seal the same.

And the rule being suspended requiring resolutions to lie one day on the table, the said resolution was read and adopted.

Mr. Jennings presented the following, to wit:

The undersigned having recorded his vote against a proposition to repeal so much of the law relative to the Corporation of Nashville as requires the payment of taxes due the corporation, as a qualification in voting for the the officers, here affirms, that said vote was given, not in accordance with his own sentiments, but under the belief that he was acting in obedience to instructions. The undersigned would not have voted for the law in question, had he been a member if the General

Assembly at the time of its adoption, and pledgus himself to use his influence ever hereafter to prevent its re-enactment.

(Signed) THOMAS R. JENNINGS.

Mr. Jones of Lincoln, from the committee on Finance, made the following report, to wit:

## REPORT OF THE COMMITTEE ON FINANCE,

Showing the mileage and per diem allowance of the members and officers respectively of the Senate at the regular Session of the 23d General Assembly, the aggregate amount received by each, and a detailed statement of the incidental and contingent expenses of the same.

| Names of Members. | Miles Traveled. | Amount of Mileage. | No. of Days. | Per diem Allowance. | Extra Al., as Sp'kr & fr postage | Aggregate. |
|---|---|---|---|---|---|---|
| Thos. Love, Speaker, | 236 | 37 74 | 118 | 472 | 122 | 644 17 |
| Levin H. Coe, " | 392 | 62 72 | 118 | 472 | 114 | 648 72 |
| | | | | | 12 41 | |
| John A. Aiken, | 600 | 96 | 118 | 472 | | 568 72 |
| Paulding Anderson, | 66 | 10 56 | 118 | 472 | | 482 56 |
| John B. Ashe, | 350 | 56 | 118 | 472 | | 528 56 |
| John Balch, | 550 | 88 | 118 | 472 | | 560 |
| Henry H. Brown, | 200 | 32 | 118 | 472 | | 504 |
| Henry Frey, | 46 | 7 36 | 118 | 472 | | 479 36 |
| George W. Gaines, | 320 | 51 20 | 118 | 472 | | 523 20 |
| John F. Gillespy, | 350 | 56 | 118 | 472 | | 528 |
| Jon. P. Hardwicke, | 76 | 12 16 | 118 | 472 | | 484 16 |
| Thomas R. Jennings, | | | 118 | 472 | | 472 |
| Dennis G. Jones, | 140 | 22 40 | 118 | 472 | | 494 40 |
| George W. Jones, | 150 | 24 | 118 | 472 | | 496 |
| Samuel H. Laughlin, | 150 | 24 | 118 | 472 | | 496 |
| John Marshall, | 34 | 5 44 | 118 | 472 | | 477 44 |
| Lewis Reneau, | 448 | 71 68 | 118 | 472 | | 543 68 |
| Valentine Sevier. | 220 | 35 20 | 118 | 472 | | 507 20 |
| William-on Smith, | 86 | 13 76 | 118 | 472 | | 485 76 |
| Scott Terry, | 220 | 35 20 | 118 | 472 | | 507 20 |
| Samuel Turney, | 180 | 28 80 | 118 | 472 | | 500 80 |
| Timothy Walton, | 100 | 16 | 118 | 472 | | 488 |
| Richard Warner, | 88 | 14 08 | 118 | 472 | | 486 08 |
| John E. Wheeler, | 400 | 64 | 118 | 472 | | 536 |
| Henderson Yoakum, | 60 | 9 60 | 118 | 472 | | 481 60 |
| | 5,162 | 873 92 | 2,950 | 11,000 | 248 41 | 12,922 33 |

## OFFICERS FOR THE SENATE.

| | No. days | Sal. pr dy | Total. |
|---|---|---|---|
| William K. Hill, Principal Clerk, | 118 | $6 00 | 708 00 |
| William Martin, Assistant do | 118 | 6 00 | 708 00 |
| John O. Hill, Engrossing do | 73 | 6 00 | 438 00 |
| Orville Loving do do | 44 | 6 00 | 264 00 |
| Randolph Casey, Door Keeper, | 118 | 4 00 | 472 00 |
| Samuel P. Hunt, Messenger, | 74 | 1 00 | 74 00 |
| F. G. Roache, Sergeant at Arms to attend committee on School monies, - - | | | 18 50 |
| R. D. Casey, amount paid S. P. Hunt for keepinging Door whilst sick, - - - - | | | 85 00 |
| R. D. Casey, amount paid for sawing wood for the Senate, | | | 8 25 |
| | | | $15,698 08 |

## CONTINGENT EXPENSES.

| | |
|---|---|
| To F. R. Raines, for wood furnished the General Assembly, | 72 00 |
| Edward Buchanan, do do do | 30 00 |
| Eichbaum and Bernard, for Books and Stationery, | 14 50 |
| Orville Loving, fourteen days as Clerk to the Committee, on school monies, at $4 per day, - - | 56 00 |
| J. B. Clements, witness before do do | 4 00 |
| John Clark, do do do do | 4 00 |
| Samuel Todd, do do do do | 11 00 |
| Samuel E. Gilliland, do do do | 11 00 |
| George W. Dennis, do do do | 11 00 |
| Thomas S. Bullock, for fitting up Senate chamber, at the commencement of present session. - - | 20 00 |
| Berry and Tannehill, for candles and stationary for the Senate, | 447 54 |
| Timothy Kezer, for hire of black man, Ned, to make fires and keep water in Senate, &c. - - | 87 75 |
| | $16,466 87 |

All of which is respectfully submitted,

GEORGE W. JONES,

*Chairman of Senate's Committee on Finance.*

Which was read and concurred with.

Mr. Jennings from the Joint Select Committee on the Penitentiary, made the following report, which had heretofore been sumbitted to the Senate, but not then spread upon the journal, to wit:

The joint select committee of the Senate and House of Representatives to whom was referred the memorial of the Penitentiary Turnpike Company, together with all bills, resolutions and other papers relating thereto, in the performance of the duties assigned to them, have made careful research in addition to having heard and weighed much testimony. The result of their labors will be found in the following statement of facts and inferences, sub-

mitted with the hope, that it will enable this General Assembly to form correct conclusions, in respect to the course of proceedure best adapted to terminate the unhappy controversy which gave rise to the present tedious and perplexing investigation.

At the very outset of this report the committee think it right, that attention should be directed to the charter of the road which the Penitentiary Turnpike Company is authorized to construct.

The improvement contemplated cannot with propriety be regarded as a work of great public utility. It is a thing of mere neighborhood convenience, and should be so esteemed and treatedby this Legislature. It is a M'Adamized road, which, when incorporated, will not contribute to the interest of general commerce, neither by its course nor its extent, nor the facilities it will afford to travel and the transportation of merchandize. On the contrary, it is to commence at the limits of the corporation of Nashville, and is to be extended only five miles, and that too, in the direction of no important current of trade or channel of intercourse. The chief advantages arising from it, would accrue to the traffic in its immediate vicinity, consisting, for the most part, in an exchange of wood, forage and other heavy articles of country produce, for the manufactures and imports of our metropolis.

The committee are firm in the belief that the direction indicated, is one, the existence of which will be immediately admitted, at the same time, that it will be made the subject of constant reference in all future deliberations touching the matter now under discussion. The Legislature cannot fail to be struck with the truth, as well with the importance of the position, that all action on the part of that body, which would affect the great and all-pervading interest of general commerce, should be guided by rules and principles very different from those which should govern it in its determinations respecting works of improvement, which are as much limited in respect to their extent as to their beneficial results and tendencies. Projects of the former character should have countenance, and be fostered in despite of that hostility, which, though manifested by a large number of individuals, would be insignificant when the great resulting benefit to the community at large was taken into consideration. On the other hand, schemes of the kind last described, as they are confined in their operation, whether for good or for evil, should not be undertaken without the consent of at least a majority of those who are to be affected, either in their interest or their wishes; for the committee cannot assent to the proposition that under a representative form of government, there should be in such cases, the slightest manifestation of a disregard of public opinion. No sanction can be given here, to the notion that it would be right to force any portion of the community to adopt a project like that now under consideration, even though its usefulness to all parties concerned, might be established by proof amounting to proofs of the clearest demonstration.

The reasons why the distinctions just pointed out are so plainly defined, and so strenuously insisted upon, will be readily perceived and appreciated where it is situated that a measure will be recommended in relation to the Penitentiary Turnpike, which the committee would not, without much hesitation, advise respecting any of our new extended works of public improvement. That measure is developed in a bill lately introduced by the Senator from Hickman county (Mr. Jones) as well as in another bill varying in form and phrase, but substantially the same, on the score of provisions, presented a few days since, by one of the Representatives of Davidson county (Mr.

Watson,) for the consideration of the more popular branch of this body.—Both, as being part of the subject of reference, have been carefully examined. The passage of either, in the opinion of the committee, will be followed by desirable consequences. Such a course will consist well with the demands of public justice; will tend to settle an important point of controversy in our system of internal improvement; will give satisfaction, so far as legislative proceedings concerned, to the numerous complainants in the case now on hand; at the same time that it works no real detriment to the Turnpike Company itself. To the latter party, the courts of justice will still be accessible. Nor can that party with propriety complain, that they were forced to such a result by the action of this Legislature. The passiveness of that body which the company so earnestly entreats, would not, in the present instance, present the evils of protracted litigation. No set of corporate authorities can maintain, as the Penitentiary Turnpike Company is now maintaining, in defiance of the wishes and feelings of twenty thousand of their fellow citizens, a naked question of right, and entertain at the same time a reasonable hope of escaping the delay, expense and vexation attendant on an appeal in the last resort to the appropriate tribunals of the country.

The prominent feature of the bills which have thus met the approbation of the committee, is discoverable in a single provision. That provision would make the Penitentiary Turnpike Company or any similar company heretofore incorporated, or that may hereafter be incorporated in this State, for the purpose of constructing a M'Adamized road less than ten miles in length, liable to indictment, and on conviction, to a heavy penalty in the nature of a fine—in case that such a company exacts toll of either person or goods, in their passage over a county road, unless authority for such obstruction shall have been obtained by the concurrent vote of two thirds of all the justices of the county in which such road may lie. It will at once be seen, that a law of this stale nature acknowledges the correctness of the position already assumed. Here the principle is clearly laid down that the State when legislating with a view to the construction of some work of great and general utility should be guided by rules of policy very different from those which ought to be regarded, when the point to be considered is the propriety of granting extensive privileges in order to insure the accomplishment of some scheme, involving the interest only of a limited population, in but a limited district of country. The doctrine, in one word, is fully recognized, that, under a representative form of government, the people themselves, for whose benefit any work of improvement is said to be projected, shall be the sole arbiters in the case, and shall alone be entitled to decide whether the project shall be carried into effect, and if so, at what cost in the way of submission to toll or to any other form or species of exaction. No doubt can rest on the minds of the members of this General Assembly relative to the correctness of the principles just laid down, when considered merely in the light of a rule which direct their proceedings, and should never be lost sight of in the deliberations and discussions of their predecessors in office. Indeed the parties themselves mostly interested in maintaining the extraordinary privileges claimed under the charter, which gave rise to the present investigation, would be construed to admit that similar privileges should not again be granted without the strongest evidence of assent on the part of a majority of those whose interests would be involved in the procedure. To compel the people of any neighborhood to have a Turnpike road and to pay toll for the use of that road in despite of their known wishes and feelings, is certainly an act of tyranny, the perpetuation of which could

never be desired by any respectable and well informed portion of the constituents of this Legislature.

After this concession then, which cannot be refused consistently with a profession of republicanism, what ground is left to the Penitentiary Turnpike Company, on which to rest the argument they oppose to the passage of a bill containing the provisions which have been recited? Having admitted that their charter never should have been obtained in defiance of an opposition manifested by nine tenths of those who use the road, the free passage of which there is a design to obstruct, is not the company forced to take a position neither very creditable nor very defensible, and to maintain by a parade of legal formalities, certain alledged rights, which, by their own confession were never the subjects of an equitable investigation? Accordingly we find it affirmed in the memorial, that the law is on their side, at the same time, that they contend for all the advantages to be derived from a strict construction of a statute, which never has received the sanction of the Legislature; a statute which is loose and general in its terms, is drawn up with a single regard to the extraordinary privileges it is meant to secure, and gives beside, in more than one passage, evidences of artifice, such as one would scarcely expect to find in the instruments of a cunning attorney, much less in an act passed by both Houses of the General Assembly of the State of Tennessee. Investigation, however, may show that the company is not so strongly entrenched behind the forms of the law as it seems ready to imagine. To make this evident is a task incumbent on this committee. And one error in this respect would exhibit them to the community in the attitude of advisers, will to countenance expedients at variance, not only with the pre-existing laws, but with the constitution of the country.— It is contended by the company that their charter is in the nature of a contract between themselves and the State, whereby, in consideration of certain improvements to be made by them, it is expressly stipulated that they shall have the privilege of erecting a gate, at which toll may be demanded of all passengers on a country road, the free use of which being a thing of almost immemorial custom, might well be regarded as the imperceptible right of all those who have heretofore enjoyed the immunity.

It will be conceded at once that if the company can show any express or even well implied grant, such as they described, they ought not to be disturbed by any enactment of this General Assembly in an effort to avail themselves of their privileges. If the claimants under the charter can prove what they assert, and will beside, persist in their undertaking, regardless of public opinion, this Legislature cannot, as it ought not, to interfere further than by a decided expression of opinion.

The grant, if made, was undoubtedly improper on the score both of policy and of justice; yet it was the act of the representatives of the State and is binding on the people, as it was the transaction of their own chosen and appointed agents. After full investigation, however, the committee is well satisfied that the memorialists have fallen into an error, touching the nature and extent of their privileges. To prove this attention is asked to the terms of their charter.

The first section of this act contains the provisions under which the right is claimed to obstruct a long established and much frequentd county road. There we find it enacted, that the Penitentiary Turnpike Company shall have all the rights, benefits and privileges, which by law are conferred on the Franklin Turnpike Company, or any other Turnpike Company chartered by this State. The committee cannot believe that the Legislature will

recognize this grant as valid to the extent which the mere words of the charter would seem to warrant. The clause which gives the company all the rights, benefits and privileges of every corporation, within the limits of the State, cannot be otherwise regarded, than as one of those interpretations which though utterly at variance with the spirit of our institutions, will at all times find their way into our statute books, through the combined effects of cupidity in private individuals, and of inattention and indolence on the part of public functionaries.

That portion of the quotation just made, which is really valid, places the memorialists on an equal footing in respect to benefits and privileges, with the company which constructed the Turnpike that now connects the town of Franklin and Nashville.

To prevent misconception, however, the committee will state that an extended research has satisfied them, that no Turnpike Company in this State can claim powers greater than those which are granted to the company last specified, in relation to the obstruction of county roads; should the extraordinary terms of this charter, therefore, be admitted as binding to the utmost extent of an unjust and unreasonable mode of interpretation, still no injustice is done, when the remonstrants in the present case are required in an investigation of their rights, to abide by the provisions of the act of 1829, which incorporated the Franklin Turnpike Company.

Referring then to this acknowledged standard, we find that no power is there given to obstruct any county roads. On the contrary, it is expressly stipulated in the 18th section of that law, that all roads except on the ground where the Turnpike may pass, now in use between Nashville and Franklin, shall be continued as heretofore, unless the County Courts of the counties through which they may pass, shall order them or either of them to be discontinued. Here we find decisive proof that at a very early date in the history of our M'Adamized roads, and in a charter which has been adopted as the model of all subsequent charters, granted for a similar purpose, the doctrine is distinctly avowed, that county roads ought not to be obstructed by the exaction of toll, unless with the assent of those directly interested in the continuance of such roads, which assent was to be ascertained by the decision of a county court. The committee leave the determination of the question to this General assembly, when it is ashed, which is in best accordance with the provisions of the charter just quoted, the bills referred to the committee from the tables of the Senate and the House of Representatives, and in which the principle here indicated is fully recognized, or the remonstrance of the Penitentiary Turnpike Company, in which the same principle is in effect scouted, contravened and denounced.

The memorialists lay claim to all the rights, benefits and privileges secured by provisions of law to the Franklin Turnpike Company. That much will be conceded to them. But more is asked, and the justice of the demand cannot be allowed; the Franklin Turnpike Company has but the naked privilege of constructing a M'Adamized road, and of exacting toll from all who, in travelling or in transportation traverse it as a matter of choice.—The power is by law expressly withheld of bringing customers to the Turnpike, by the compulsory process of closing up other roads having the same route and same points of commencement and of termination. As the matter now stands and has stood, ever since the construction of the Franklin Turnpike, persons may pass between that town and the town of Nashville free of toll, by at least three distinct routes. Let the Penitentiary Turnpike Company, then, take all, but not more than all the rights, benefits and pri-

vileges enjoyed by the Franklin Turnpike Company—let them assent to an arrangement by which travellers in the direction of the improvement they are about to construct, may, at their option, use or avoid it, and at pleasure make selection between it and a county road, as is done in respect to the choice prototype of the memorialists, and then all parties will be satisfied, as all parties will have justice meeted out to them fairly and impartially.—The company in their memorial, as they also did in their conferences with the committee, remonstrate loudly against the injustice which would be done in the passage of either of the bills here approved and recommended, seeing that in part accomplishment of their object, they have already incurred considerable expense, and have besides brought themselves under heavy liabilities to at least one of their contractors. If the views already propounded be correct, it is plain that any argument of this kind must be esteemed of but little moment. Let it be granted that one of the parties in this controversy, under a mistaken impression relative to its powers and its privileges, has made expenditures it would not have made otherwise, and has encountered responsibilities it would not otherwise have encountered, where ought the loss to fall, if indeed any loss is to be sustained? But one reply can be given. The damage incident to the blunder should light on those who committed it, and cannot by any rule of fair procedure be made the basis of an argument for divesting a large body of the people of Tennessee, of a right they have almost immemorially enjoyed—the right of reaching the metropolis of their State free of toll by a county road, which this company wrongfully claims the authority to obstruct. It has been urged, in opposition to the measures recommended in this report, they strike at the very foundation of our whole system of Internal Improvement; establishing principles which if carried out would forever prevent the construction of another M'Adamized road within the boundaries of the State. Such allegations, however, have not altered the committee in regard to any unfavorable impression on the public interest, which can, by any possibility result from the course they have advised. On the contrary, they are almost prepared to express a hope that the excitement occasioned by the ambiguity of a charter comparatively insignificant, touching the power it conveys to discontinue a county road, may fairly establish as a rule of universal application, the doctrine of restraint which, as here advocated, will be very limited in its practical effect and operation. Experience has proven in many instances, as in the case of the Franklin Turnpike, to which allusion has heretofore been made, that the similar grant of power to prevent the avoidance of toll by means of short circuits in the immediate vicinity of the gates will ensure ample profits to any company which has constructed a road, where the wants and interest of the community really demand the improvement. Discordant as the proposition may be, with the feelings and interest of a few individuals, it is nevertheless true that the commonwealth can very well dispense with a M'Admamized road, which to insure its completion must have a guarantee of all the custom that can be forced to its gates, by the closing of all the county roads lying in its vicinity. Optional travel, and optional transportation will support turnpikes that are really of public benefit. Works of that character relying on their peculiar advantages in their pavements, their bridges and their graduation, when brought into conflict with a mere county road, may well make light of and disregard competition.

Another argument urged by the company as one of great weight is founded on the assumption that the county road so frequently the subject of dis-

cussion ought to be M'Adamized, and have a gate erected upon it because of the extraordinary use to which it is now subjected, being travelled by a multitude of people, who resort to it for the sole purpose of avoiding the exactions of the Franklin Turnpike on the one hand, and the Charlotte Turnpike on the other. The committee must confess their inability to discover the force of this mode of reasoning. The inhabitants of a certain district of country, have consented with a commendable display of public spirit, that two roads heretofore free should be improved, and have toll gates placed upon them; they were great channels of commercial intercourse, therefore, argues the Penitentiary Turnpike Company, the same individuals ought to carry their submissiveness further, and ought not to murmur when against their wishes and against their sense of their own interests arrangements are in progress, the effect of which, when completed, will be the obstruction of a neighborhood road, by the extortion of a toll gate. Instead of agreeing with the company in this view of matters, the committee would rather regard the facts alledged, as furnishing the strongest reasons in support of the assertion, that the county road ought not to be closed in the manner contemplated. The people in question doubtless assented to the construction of the two Turnpikes, by which their region of country is now flanked because there was another avenue to Nashville, which they believed would always remain without obstruction. It is submitted to this General Assembly to decide whether it is proper for reasons so flimsy to balk an expectation so well founded and so resonable. The committee, whilst they cheerfully exonerate those whose signatures attached to the memorial of the company from the charge of having participated in the manœvering, cannot refrain from expressing a feeling of astonishment at the course of legislation which gave birth to such a monster, as the charter which is now the subject of investigation. On reference to the journal of the House of Representatives, it will be seen that the bill to incorporate the Penitentiary Turnpike Company was, on its second reading, withdrawn for amendment, and returned in due time with the addition of the following section, which, strange to tell, passed unaltered through all the formalities requisite to make it a part and parcel of the law of the land.

The section in question is the eleventh of the act as now printed, and is in these words:

"*Be it enacted*, That with a view of extending said road to Centreville, in Hickman county, should the Legislature hereafter authorize it, and said company should agree thereto, and in part accomplishment of the object, the said company are authorized at such times as they may think proper to survey and lay off said road from the termination of said five miles, the further distance of five miles, making in all ten miles in the general direction towards Centreville, and may open books for the further subscription of stock to the amount of thirty thousand dollars, to be applied in making the same, with the same privileges and subject to the same restrictions above directed in reference to the first five miles of said road."

The journals of legislation in every State of our Union would be searched in vain to discover a passage parallel to that just quoted in unfairness, ambiguity and deception. The alledged purpose of its insertion is found, on close inspection, to be directly the reverse of its actual intent. Purporting to be a provision for the execution of the Penitentiary Turnpike, so as to make it a work of general utility, it, in effect, enacts that the same improvement never shall be prolonged beyond the distance of five miles. But it may be asked why the framers of this charter should so strain their powers

of ingenuity to prevent the extension of the turnpike they were so desirous to construct? Would not the continuance of the road beyond the first five miles greatly increase the receipts at the first toll gate of which the present company was to enjoy the exclusive ownership? A correct answer to these interrogatories will clearly unfold the motives of what would otherwise be an inexplicable procedure. It has been stated already that the road on which it is designed to lay their Penitentiary Turnpike, is now much frequented, because it enables a population, probably amounting to thirty thousand, to escape at their pleasure the tolls of the Franklin and Charlotte Turnpikes. That concourse would necessarily cease were two toll gates erected on the route, which now affords the facility for practising such an evasion. Here then is brought to light the concealed motives which actuated the framers of this cunningly devised statute. To extend said turnpike the further distance of five miles, it is required that the Legislature should authorize it and as an obstacle known to be insurmountable, that said company should assent thereto, because such extension attended, as it inevitably would be, by the erection of a second toll gate, would just as invitingly hand over much of the custom anticipated by said company, to the Franklin and Charlotte Turnpikes, thereby seriously diminishing the anticipated profits of the said most liberal, most patriotic and public spirited enterprise.

That they may not be misunderstood, the committee again assure the General Assembly that in animadverting thus harshly on some of the provisions of this extraordinary charter, there is no design to censure any one of those who have appeared before this Legislature, or this committee, as the advocates of the Penitentiary Turnpike itself. The most satisfactory evidence, indeed, has been adduced to prove that these persons were ignorant of the mode in which the measure was gotten up, as well as of the manner in which it was ultimately passed. Nor had the committee cared to inquire who are the real culprits in the case. Detection and exposure and irritation of feeling constitute no part of the object of this report. The main design all along kept steadily in view, has been to ascertain and recommend a course of proceeding which will insure the administration of justice to both parties in a controversy, where both complain loudly of grievances; whatever else has been said was uttered, not with a view to condemnation, but to prevention—not with a design to criminate any one in relation to past transactions, but with an intent to put future schemes as well as future representatives of the people on their guard, the first that they may not attempt, and the second that they may not again be entrapped into an acquiesence in imposition such as that which their committee have thought it incumbent on them to expose and denounce.

Accompanying this report will be found minutes of the testimony of a number of witnesses examined before the committee. The whole is respectfully submitted, with feelings of assurance that every material statement here made is as well attested as it has been accurately weighed and carefully considered.

THOMAS R. JENNINGS,
JOHN B. ASHE,
SAMUEL WATSON,
W. WILLIAMS,
WM. J. STANDIFER.

On motion of Mr. Laughlin, ordered that a select committee be appointed on the part of the Senate, in connection with a similar Committee on the part of the House of Representatives, to wait on his Excellency the Governor, and inform him that unless he may have further communications to make, the two Houses are ready to close their present session by adjournment.

Mr. Wheeler submitted the following, to wit:

*Resolved*, That the thanks of the Senate be tendered to Mr. Speaker Coe, for the impartiality, courtesy and ability with which he has performed the various and responsible duties which have devolved upon him as the presiding officer of the Senate—which was read and adopted *nomine contra decente*; whereupon the Speaker made his acknowledgements in the following words, to wit.

*Gentlemen of the Senate:*

I tender to you my most sincere acknowledgments for the unmerited honor you have done me by the resolution just adopted.

Conscious of my own inexperience in the duties of the station you assigned me in this body, I entered upon it with diffidence, and have relied throughout in conducting its deliberations, more upon the good sense and decorum of the Senate, than upon any ability or merit of my own.

It was to be expected in this, as in all other deliberative bodies, where freedom of thought and action is guaranteed, that great differences of opinion should prevail; we cannot expect it otherwise until all spirit of inquiry shall be stopped, and our physical organization changed. In addition to these unavoidable sources of dissention prevailing in all deliberative bodies, we have been throughout the session, in the midst of the highest and warmest state of party feeling. This has issued from our conflicting views with regard to the relative powers of the general and State governments, and with regard to the mode of administration proper to be adopted by them. I most heartily and cheerfully concede to each individual of this body, the most entire good faith, honesty and patriotism in maintaining their own opinions.

Gentlemen of the Senate, it may be safely asserted that no Legislature of our State government ever assembled under circumstances more calculated to embarrass their deliberations, or with questions of such vital importance which required action and adjustment. About the time we assembled, by a simultaneous movement throughout the Union, an overwhelming majority of the Banks of the confederacy suspended specie payments. Whilst an abstract sense of justice, and the necessity of maintaining a sound currency, have operated upon some in favor of an immediate and compulsory resumption of specie payments, the great difficulties to be encountered in this course, by a portion of the banks without the co-operation of the balance, and the supposed condition of numerous individuals indebted to these institutions, have placed others in direct hostility to immediate resumption.

That opinions of the most opposite character should arise amongst ourselves, as well as amongst the community, upon so delicate and embarrassing a subject, is what we all contemplated. And that definitive action could be agreed upon, without any co-operation whatever with surrounding States, was hardly to be expected, however much it may be desired.

Nor have we had less difficulties to encounter in a just and satisfactory settlement of other interests of our State. In 1836 and 1838 laws were passed for the encouragement of Internal Improvement and works of the

most extensive character have been commenced, and are now in progress of erection. If we continued to advance under the law as we found it, many saw in it the germ of a dishonored and bankrupt treasury, and a people loaded down with taxes, levied to pay the interest of an onerous State debt—whilst it was asserted by others, with much reason, that the State had voluntarily tendered the right hand of assistance to large bodies of our fellow-citizens, and had invited to enterprises, having for their object the cultivation and improvement of our common country; and under such circumstances the sudden witdrawal of all aid, would involve individuals in private ruin and consign public works to dilapidation.

Difficulties have met us at every step in the adjustment of those various and conflicting interests; I doubt not each member of this body, in sustaining and firmly adhering to his own opinions, have been actuated by that love of country which should characterize every patriot.

In presiding over your deliberations during a part of this arduous session, I have been at all times sensible of my want of experience.

I am conscious that I must have committed many errors; under such circumstances, I throw myself broadly upon your magnanimity for a just appreciation of my motives and my conduct. If I have, in any instance, in the course of my duties as Speaker moved from the right line of impartiality, or if I have offended the feelings or done injustice in my decisions to any member of this body, I declare to you in the utmost sincerity, I have not intended such a result; or if, when mingling in debate upon the floor of the Senate I have in a moment of excitement used expressions which gave offence to any one of you, I now assure him it was not intended, and most respectfully ask forgiveness.

We must now dissolve and return to our respective constituencies, and on the eve of separation, perhaps forever, permit me to tender to each of you my earnest wishes for your personal welfare.

The Senate took up and considered the proposition of the House of Representatives to strike from the bill making an appropriation to defray the expenses of the present General Assembly, and for other purposes, that part thereof allowing Thomas T. Bullock seventy dollars for fitting up the Senate chamber at the commencement of the session, and nonconcurred therewith.

They also considered the proposition to strike from the said bill, that part making an appropriation to John S. Young, Secretary of State, for extra services.

And the question of concurrence being thereon had, it was determined in the affirmative—ayes 12, noes 11. The affirmative voters were

Messrs. Anderson, Ashe, Brown, Frey, Jones of Hickman, Marshall, Reneau, Sevier, Terry, Turney, Walton, and Wheeler—12.

Those who voted in the negative were

Messrs. Aiken, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Love, Smith, Warner, Yoakum and Speaker Coe—11.

And so said proposition was concurred with.

Mr. Laughlin moved a concurrence with the House's amendment proposing to strike from said bill that part thereof making an appropriation to the several printers for papers furnished the present General Assembly; which motion prevailed.

They also considered the proposition from the House of Representa-

tives to strike from the bill that part thereof providing for the removal of the seat of government from Nashville to Murfreesborough, and their proposition in lieu providing that Nashville shall be the seat of government until otherwise directed by law.

And the question of concurrence being thereon had, it was determined in the affirmative—ayes 12, noes 11.

The ayes and noes being demanded those who voted in the affirmative were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Smith, Terry, Turney and Walton—12.

Those who voted in the negative were

Messrs. Aiken, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Warner, Wheeler, Yoakum and Speaker Coe—11.

And so said amendment was concurred with.

The Senate next considered the proposition from the House making an allowance to G. S. Crockett for clerk hire; and concurred therewith —ayes 15, noes 7.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Anderson, Ashe, Brown, Gillespy, Hardwicke, Jennings, Jones of Lincoln, Laughlin, Love, Marshall, Reneau, Smith, Walton and Speaker Coe—15.

Those who voted in the negative were

Messrs. Frey, Jones of Hickman, Sevier, Terry, Warner and Yoakum—7.

And so said amendment was concurred with.

Mr. Gillespy moved a reconsideration of the vote nonconcurring with the proposition of the House to strike from said bill that part thereof making an appropriation to Thomas T. Bullock; and the question being thereon had, said motion failed—ayes 10, noes 13.

The ayes and noes being demanded, those who voted in the affirmative were

Messrs. Aiken, Gillespy, Hardwicke, Jones of Hickman, Jones of Lincoln, Laughlin, Love, Warner, Yoakum and Speaker Coe—10.

Those who voted in the negative were

Messrs. Anderson, Ashe, Brown, Frey, Jennings, Marshall, Reneau, Sevier, Smith, Terry, Turney, Walton and Wheeler—13.

And so said motion to reconsider said vote was rejected.

A message from the House of Representatives, by Mr. Crockett, their Clerk:

Mr. Speaker: The House of Representatives have adopted the resolution of the Senate, with sundry amendments thereto, authorizing the Secretary of State to countersign certain grants heretofore signed by the late Governor Cannon.

The House of Representatives concur with your proposition to appoint a committee to wait on his Excellency Governor Polk, and have appointed Messrs. Walker of Hickman, Fain and Jacobs to be of said committee on the part of the House.

And then he withdrew. Whereupon the Senate took up and concurred with the first amendment of the House to the resolution, and nonconcurred with the second.

*Ordered*, That the clerk acquaint the House of Representatives therewith.

Mr. Frey from the committee of enrollments, reported as correctly enrolled, an act making an appropriation of money to defray the expenses of the present General Assembly and for other purposes.—And an enrolled resolution to authorize the Secretary of State to sign and seal certain grants, and to authorize the registers of the State to issue duplicate grants in certain cases; both of which were signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

Mr. Terry, from the committee appointed to wait on his Excellency Governor Polk, reported that the committee had performed the duty assigned to them, and had received in reply from his Excellency the Governor, that he had no further communications to make.

The business of the Senate being accomplished, ordered that the clerk acquaint the House of Representatives therewith and notify them that the Senate are now ready to adjourn the present session without day.

L. H. COE,
Speaker of the Senate.

WILLIAM K. HILL,
Clerk of the Senate.

# APPENDIX.

## REPORT OF THE JOINT COMMITTEE ON BANKS.

The joint standing committee on Banks have had the various bills, reports, and resolutions referred to them under consideration; and in addition to the special reports heretofore made, beg leave respectively to submit the following general

### REPORT.

As most of the measures of the present session having relation to the several banks have already been acted on, or are still pending before one or the other of the branches of the General Assembly, your committee have deemed it proper, in making this report, to confine themselves almost exclusively to an exhibition of the actual condition of the Bank of the State of Tennessee, and of the Union, Planters and Memphis Banks, according to official reports, and the actual information of the affairs of said institutions, as far as the same has been practicable.

The surplus revenue debt, which the Union and Planters' Banks owed to the State, and which fell due on the first day of January 1840, payable to the Bank of Tennessee, has been settled and adjusted according to the terms of a joint resolution passed by the General Assembly on the instant. The Memphis Bank, your committee learn at the Bank of Tennessee, has paid over the full amount of said debt due from that institution. The terms of these several adjustments, believed to be highly advantageous to the State, were heretofore reported with the approbation of your committee. That report and the correspondence in relation to the same, consisting of communications for the Presidents of the Union and Planters' Bank, are spread upon the journal of the Senate.

In relation to certain interrogatories addressed by your committee to the Union, Planters' and Memphis Banks, which have been answered as appears on the oaths of the Presidents of said banks respectively, your committee do not deem it necessary to swell the present report by embodying or appending the whole of said interrogations and answers. The answer of the President of the Planters' Bank, dated Nov. 30th, 1839, and sworn to on the 11th of December, 1839, in answer to the 14th interrogatory, as to the time when said bank can resume specie payments, is as follows:

"I am of opinion that the 1st of June or first of July next, is the earliest period at which this bank may resume specie payments for all its liabilities, consistent with the interest of the country and the bank to maintain specie payments successfully. The above period is proposed because the present crop will then have been realized."

The answer of the President and Cashier of the Union Bank, to the same interrogatory, sworn to on the 13th of December, 1839, is as follows:

"It is the opinion of the undersigned that this bank can resume specie

payments as soon as the avails of the present crop are realized, say by June or July next. This opinion is predicated upon the supposition that the present abundant crop will enable its debtors to make large payments. It will be perceived from the statement marked A. that the bank has in suit a larger amount than it has in circulation. A considerable portion of this is already in judgments and will be collected in the course of the spring.—Should the banks in Tennessee, however, resume in advance of those in Kentucky, Philadelphia and New Orleans, such is the state of trade with those points (being heavily in their favor,) that drains of specie to a heavy amount may be anticipated. To make the resumption here, under these circumstances, certainly safe and successful, will require an amount of specie on hand nearly equal to the notes in circulation—which would of course circumscribe the business of the bank to the narrowest limits."

The answer of the President and Cashier of the Memphis Bank, in answer to the same interrogatory, is as follows:

"This bank being one of small capital and in a more exposed situation, we are of opinion that it cannot safely lead in a resumption, but from our arrangements we believe we can at any time commence with the three larger institutions at Nashville and their branches."

The condition of the bank of Tennessee on the 1st of January, 1840, has been ascertained by the investigations and report of a sub-committee, and the report, and exhibits accompanying the same, will be found appended to this report and marked *Appendix A.*

The condition of the institution as shown, on the first day of the present month, by the report of the sub-committee compared with the condition of the same, as presented in reports made to the General Assembly, of the 1st of October, and 2nd of November last, shows a continual improvement in the means and resources of the bank.

The total amount of the expense account of the bank of Tennessee at Nashville, including engravings for notes, travelling expenses of agents, salaries of officers, &c. from 30th of June, 1838, to 1st July, 1839, as per account reported to the General Assembly, amounted to the sum of $35,479 45 cents.

In regard to the expenses of said bank, accruing on account of salaries, your committee have had before them the two reports of the officers of said bank, appended hereto and marked *Appendix B. and C.* As the General Assembly has passed an act, during the present session, equalizing and regulating all the salaries to be paid at the Principal Bank and branches, your committee will add no further remarks on the subject, except to express a hope, that neither the amount of salary as now limited by law, or any other cause, will induce the Cashier of the Principal Bank to withdraw from the public service. His great capacity as a man of business, his untiring industry, and the universal confidence which is deservedly reposed in his honor and integrity, would render his withdrawal a source of general regret.

Without reference to the opinions expressed in the report of the sub-committee before referred to, your committee, in regard to the business operations of the Bank of Tennessee, as well as the two principal chartered banks, are decidedly of opinion, whether the policy is adopted at the principal banks or branches, that extending accommodations, either on notes or bills of exchange, in unequally large sums to particular individuals, firms, or companies of all kinds, is bad policy; and they regret to find, from official returns before them, that it is a policy which has hitherto prevailed to too great an extent in nearly all the banks and branches in the State. Such pol-

icy, in the end, invariably leads to the accumulation of doubtful and suspended debts.

The Bank of Tennessee at Nashville has not gone into the expensive purchase or improvement of real estate for banking purposes. The branch bank at Clarksville has prudently and commendably pursued the same course; but all the other branches have pursued a policy, in the infancy of the institution, when the expenses of putting it in operation were greatest, of buying lots of ground in the towns where lacated, and of building and commencing the erection of banking houses, ranging in cost when completed, according to estimates, from five to twelve thousand dollars each. This policy, unwise and unjust to the institution, and which has been without any direction or authority of the President and directors of the principal bank, as your committee are informed, meets with their decided disapprobation. A law, however, passed at the present session, will put an end to this abuse in time to come.

The drafts on the profits of the Bank of Tennessee, to meet the appropriations that have been made by past legislation for purposes of Internal Improvements and education, are already very heavy, and will continue to increase. It can only be by a course of the most prudent and safe policy that the bank can be enabled to meet these engagements, especially as the General Assembly, at the present session, has thought proper to diminish the prospective capital of the institution one million and a half by the withdrawal of that amount of State bonds from its control or future use. The document marked *Appendix D.* as a part of this report, furnished by the Cashier of the bank in obedience to a legislative call, shows the accumulated and accumulating liabilities which are pending over the bank in the form of principal and interest on only a portion of the State debt.

The Union Bank, since making its last report of the condition of its affairs to the General Assembly, has, as has been before observed, adjusted the federal surplus revenue debt with the State. To show the condition of said bank, your committee refer to the several statements appended to this report, and marked Appendices E. F. G. and H. From each succeeding report made from said bank, during the session, the condition and affairs of said bank have been shown to be in a progressive state of improvement.—A belief is indulged by the committee, that said institution is entirely solvent and entitled to public confidence.

The Planters' Bank is also believed to be in a solvent condition, and entitled to the confidence of the public and the holders of all its outstanding liabilities. A report from said bank of the condition of its affairs, on the 1st day of October last, and again, by a report of the condition of said bank on the 1st day of November, 1839, which statements are hereto appended, and marked Appendixes I. K. L. These statements show that the affairs of the said institution are in a state of improvement, and that it has been considerably increased in its means and resources, since the date of its first report to this General Assembly.

The condition of the affairs of the Bank of Memphis, as reported to the General Assembly, under date of the 27th of November, 1839, will be found in the statement annexed to this report, marked Appendix M.

Your committee having heretofore reported and recommended measures in relation to the resumption of specie payments, and to enforce the same, which have received the final action of the General Assembly, will now add nothing more on that subject. In the conclusion of this report, they submit the following resolution, and respectfully ask the adoption of the same:—

*Resolved by the General Assembly of the State of Tennessee*, That the public Printer be instructed to print the foregoing report, and cause to be attached a copy of the same to each copy of the Journals of the Senate and of the House of Representatives by way of appendices to the same.

All of which is respectfully submitted.

S. H. LAUGHLIN, *Chairman.*

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(APPENDIX A.)

The sub-committee on banks, to whom, by a resolution of the joint standing committee of both houses of the General Assembly on banks, was referred the resolution of the General Assembly, directing the committee to examine the list of debtors to the Bank of Tennessee and branches, with their accounts, and report whether any undue favoritism had been practiced, or injustice done, in granting accommodations by said bank and branches, or any other mal-practice, which, in their opinion, may require correction; Also, that they report the amount loaned to each county and the number of borrowers in each separately, and the situation of the debtors as to pecuniary responsibility, beg leave to report, that in conjunction with a committee of the Directors of banks, they entered upon the discharge of the duties assigned them in said resolutions, and after a diligent and careful investigation of the documentary evidence furnished from the records and books of the bank, and a personal examination of the condition and means of the bank policy pursued by the Directory, afforded from the inspection of the notes discounted, the residence and conditions of the makers and endorsers, as far as the means in the power of your committee could enable them, submit the following report as the result of their labors and investigation.

Your committee, feeling the responsibility of the trust committed to them, conscious of the bearing and effect the character of the report made by them upon some or all the propositions couched in the resolution would have upon the stability and perhaps security of the bank, and also sharing the lively interest felt by the citizens of the State in the condition and ability of her bank, and a corresponding solicitude and attention, impartially examined and investigated the facts and testimony ascertainable relative to each distinct subject or proposition contained in the resolution of the General Assembly.

Aware that not unfrequently duties similar to those assigned the committee were considered performed from the mere examination of official statements, and that from such discharge of duty, existing derelictions and malpractices were undiscovered and permitted to increase without detection, until they become apparent by the ruin and bankruptcy of the institution, your committee, however high and beyond suspicion they estimated the private and public character and worth of the officers of the bank, felt themselves bound to resort to and examine all the proof from official statements which could be acquired, and in no case did they adopt, as the basis of their opinion the isolated statements of the offices but when no other testimony could be had; and then they cheerfully accorded to the statement of their acting under the regulations of the duties of office; the same veracity the committee claim to themselves, acting now under similar responsibility.

Fearful, from rumor and insinuation, that the bank, in the exercise of the power bestowed by law, had extended its accommodations to one particular denomination of the community more considerably and extensively than to others, and that some particular vocations only had been sustained with great partiality, to the exclusion of others, your committee, with the de-

termination to ferret out the truth and ascertain the conduct of the bank, in the line of accommodation, with great scrutiny and circumspection, so far as the means in their power would permit, examined every note, described the political complexion of the parties to the note, and their vocations in life.

The committee find the pecuniary condition and liability of the bank to be as follows:

(EXHIBIT.—A.)

*State of the Bank of Tennessee, January 1st, 1840.*

| | | | |
|---|---|---|---|
| Discounted Notes, | | 573,490 65 | |
| Domestic Bills, | | 326,692 59 | |
| Protested Bills, | | 1,005 50 | |
| Bills and Notes in suit, | | 23,457 92 | |
| | | | 924,646 66 |
| Expense account, | | | 10,558 11 |
| Interest on State Bonds, | | 70,750 00 | |
| do Internal Improvement bonds, | | 13,219 36 | |
| | | | 83,969 36 |
| Branch of Athens, | 105,474 08 | | |
| " Rogersville, | 45,125 40 | | |
| " Trenton, | 6,671 75 | | |
| " Columbia, | 44,422 08 | | |
| " Shelbyville, | 46,812 48 | | |
| " Clarksville, | 26,674 62 | | |
| | | 275,180 41 | |
| Philadelphia and New York Banks, | | 174,704 66 | |
| Due from other Banks, | | 16,013 59 | |
| | | | 465,898 66 |
| Cash, viz: | | | |
| Certificates of Deposite of other Banks, | | 110,975 43 | |
| Branch Bank notes, | | 3,004 | |
| State and City Bank Notes, | | 40,924 59 | |
| Gold and Silver, | | 140,559 18 | |
| | | | 295,463 20 |
| | | | 1,780,535 99 |

(Exhibit A.—Continued.)

| | | | |
|---|---|---|---|
| Capital Stock, State Bonds, | 440,000 | | |
| " " School Fund, | 47,340 51 | | |
| " " " Ocoee, | 222,258 75 | | |
| " " Surplus Revenue | 297,573 12 | | |
| | | 1,007,172 | 38 |
| The State of Tennessee, | | 43 | |
| Treasurer of Tennessee, | | 121,763 | 83 |
| Superintendent of Public Instruction, | | 6,202 | 96 |
| Sinking or Contingent Fund, | | 132,285 | 34 |
| Branch at Sommerville, | 8,320 44 | | |
| Due to other Banks, | 39,837 42 | | |
| | | 48,157 | 86 |
| Exchange account, | 28,672 09 | | |
| Discounts received, | 17,747 11 | | |
| Interest account, | 2,93- 13 | | |
| Damages, | 1,063 90 | | |
| Profit and Loss, | 11,319 76 | | |
| | | 61,736 | 99 |
| Circulation, | 115,737 | | |
| " in Post Notes, | 208,620 81 | | |
| | | 324,357 | 81 |
| Individual Depositors, | | 78,815 | 82 |
| | | 1,780,535 | 99 |

(E. E.) HENRY EWING, *Cashier*,

Bank of Tennessee,
Nashville, Jan. 1, 1840.

Of the notes discounted which were examined especially by your committee, there were sixty-five over $1,000 and under $2,000, twenty-two of $2,000, and but thirteen of $5,000, being the largest amount found in the line of discounts. Your committee were able to ascertain the amount of notes and bills discounted for each county in the bank District here exhibited.

(See exhibit B. on next page)

A Statement of the Amount of Notes and Bills Discounted for Residents of the respective Counties in the Principal Bank District during each Quarter.

| DATE. | WILIAMS'N | DAVIDSON. | Rutherford. | WILSON. | SUMNER. | SMITH. | JACKSON. |
|---|---|---|---|---|---|---|---|
| 1838,—July 1, to October 1, | 52,088 32 | 93,705 09 | 34,087 35 | 34,138 30 | 40,771 98 | 18,490 17 | 5,322 |
| do bills, | 6,265 83 | 42,529 15 | 10,500 | | 12,500 | | |
| 1838,—Oct. 1, to Jan, 1839, | 15,970 39 | 105,990 60 | 27,232 03 | 32,990 26 | 11,781 20 | 857 | 1,100 |
| do bills, | 22,400 | 45,183 56 | 2,000 | | 11,300 | | |
| 1839,—Jan. 1, to April 1, | 36,755 65 | 139,879 54 | 40,468 28 | 43,700 69 | 45,673 01 | 10,949 60 | 4,576 37 |
| do bills, | 7,094 01 | 106,918 40 | 2,375 | 2,000 | 2,730 | 1,300 | |
| 1839,—April 1, to July 1, | 34,327 95 | 150,005 43 | 20,774 73 | 45,182 36 | 25,027 20 | 3,250 | 525 |
| do bills, | 6,000 | 79,248 98 | 421 25 | 3,000 | 8,000 | | |
| 1839,—July 1, to October 1, | 59,556 06 | 136,312 63 | 43,901 81 | 55,872 50 | 68,138 85 | 18,232 75 | 7,900 |
| do bills, | 13,589 94 | 82,815 50 | 9,877 63 | 7,300 | 13,500 | | |
| 1839, Thursday, Dec. 19, | 5,939 52 | 3.562 88 | | 6,771 79 | 5,000 | 800 | 500 |
| Total Notes, | 204,637 89 | 629,453 17 | 167,464 20 | 218,655 89 | 196,412 24 | 59,779 52 | 19,923 37 |
| Total Bills, | 55,349 78 | 356,695 59 | 25,173 89 | 12,300 | 48,030 | 1,300 | |

(See EXHIBIT B. continued on next page.)

| DATE. | DE KALB. | OVERTON. | FENTRESS. | OTHER COUNTIES, &C. | MISCELLANEOUS. |
|---|---|---|---|---|---|
| 1838, July 1, to October 1 | 6,243 83 | 13,980 00 | 4,000 00 | 23,670 40 | |
| do. bills, | | | | 21,261 69 | 16,332 33 |
| 1838, Oct. 1, to Jan. 1, 1839 | 1,149 52 | 3,204 04 | 800 00 | 33,673 24 | |
| do. bills, | | | | 33,381 86 | 20,333 23 |
| 1839, Jan. 1, to April 1, | 3,452 43 | 14,117 73 | | 33,227 48 | |
| do. bills, | | | | 25,901 23 | 52,287 63 |
| 1839, April 1, to July 1, | 884 00 | 3,330 72 | | 27,761 17 | |
| do. bills, | | | | 22,836 15 | 12,810 12 |
| 1839, July 1, to Oct. 1, | 6,004 81 | 11,850 90 | 3,300 | 21,501 69 | |
| do. bills, | | | | 38,261 39 | 68,606 02 |
| 1839, Thursday, Dec. 19. | 140 | 1,350 | | 6,781 31 | |
| Total notes, | 17,874 59 | 47,833 39 | 81,000 00 | 146,620 31 | |
| Total bills, | | | | 141,645 32 | 170,369 40 |

BANK OF TENNESSEE,
Nashville, Jan. 1; 1840.

HENRY EWING, Cashier.

(EXHIBIT C.)

BANK OF TENNESSEE,
Nashville, Jan. 11, 1840.

ROBERT C. FOSTER,

Dear Sir:—The number of notes and bills discounted for each county in the Principal Bank District to the 1st. of Jan. 1840, is as follows:

| | |
|---|---|
| Williamson, | 478 |
| Davidson, | 1,197 |
| Sumner, | 380 |
| Rutherford, | 380 |
| Wilson, | 570 |
| Smith, | 105 |
| Overton, | 121 |
| Jackson, | 42 |
| De Kalb, | 52 |
| Fentress, | 13 |
| Other counties, not in the district. | 389 |
| | 3,727 notes and bills. |

HENRY EWING, Cash'r.

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Your committee also ascertained to their great satisfaction, particularly in relation to notes discounted, that equal and impartial justice had been extended, and what, in the opinion of your committee, is unusual and unprecedented, the discount accommodations have been afforded less to the commercial and more to the mechanical, manufacturing and agricultural interests, and in such sums as to distribute the money to furnish relief without giving the means of speculation. Your committee formed the opinion, so far as their own knowledge extended and the information communicated enabled them to judge, that the pecuniary responsibility of the makers and endorsers of the notes and bills justify the conclusion that the several liabilities will be met and discharged with less probable loss than such extended pecuniary transactions are incident to.

Your committee are of opinion, on the part of the Directory, that the utmost liberality and impartiality has been afforded and exercised in the discharge of the duties devolving upon them as agents of the State, and so far as discovering any mal-practices in the management of the institution, they have discovered the utmost good faith and friendship, demanding more the approval than disapproval of the representatives of the people.

ROB'T C. FOSTER,
N. FAIN,
*of the House of Representatives*

(APPENDIX B.)

BANK OF TENNESSEE, NASHVILLE,
October 30th, 1839.

*To the General Assembly of the State of Tennessee:*

In answer to your resolution of the 29th instant, requiring me to report "to the House of Representatives the different officers of the mother Bank and Branches and the amount of each of their salaries,"

I have the honor to transmit you the subjoined list of the officers of the Principal Bank and their salaries per annum respectively.

| | |
|---|---|
| William Nichol, President, | $3,000 |
| Henry Ewing, Cashier, | 3,000 |
| Edward G. Steel, assistant Cashier, | 2,000 |
| David Read, Teller, | 1,800 |
| Frank Williams, General Ledger Clerk, | 1,200 |
| Alexander Cunningham, Individual Ledger Clerk, | 1,000 |
| Francis G. Roche, Collection Clerk, | 1,000 |
| Henry L. Norvell, Discount Clerk, | 1,000 |
| Solon Lindsley, Credit Books, Letters, &c., | 1,000 |

On this subject the Principal Bank has no control over the Branches, and I have not in my possession the information required in relation to them. I have several days since caused to be forwarded to each Branch a copy of a similar resolution from the Senate, requesting the information to be forwarded to me immediately—so soon as received it will be forthwith communicated to your honorable body.

Which is respectfully submitted,

W. NICHOL, President.

C.

A table exhibiting the amount of the salaries paid to the several officers of the Branches of the Bank of Tennessee.

| *Names of Branches and officers.* | *Sal. of officers,* 1838.—1839. | | *Names of officers.* |
|---|---|---|---|
| ROGERSVILLE BRANCH, | | | |
| President, | 300 | 300 | C. H. Coffin, |
| Cashier, | 1,350 | 1,350 | S. D. Mitchell, |
| Clerk, | | 500 | G. F. Gammon, |
| ATHENS BRANCH. | | | |
| President, | 1,200 | 1,200 | T. Nixon Van Dyke, |
| Cashier, | 1,800 | 1,800 | A. D. Keys, |
| Clerk, | 1,200 | 1,200 | —— Campbell, |
| SHELBYVILLE BRANCH. | | | |
| President, | 1,000 | 1,000 | J. Eakin, |
| Cashier, | 1,500 | 1,500 | R. N. Wallace, |
| Clerk, | 500 | 500 | T. B. Cannon, |
| COLUMBIA BRANCH. | | | |
| President, | 1,500 | 1,000 | W. J. Polk, |
| Cashier, | 2,000 | 2,000 | E. W. Dale, |
| Clerk, | 1,000 | 1,000 | M. G. Lewis, |
| CLARKSVILLE BRANCH. | | | |
| President, | 1,000 | 800 | T. W. Barksdale, |
| Cashier, | 1,800 | 2,000 | E. B. Roche, |
| Clerk, | | | Noue, |
| TRENTON BRANCH. | | | |
| President, | 800 | 800 | M. Woodfin. |
| Cashier, | 1,500 | 1,500 | J. A. Taliaferro, |
| Clerk, | 600 | 800 | —— Fite, |
| SOMMERVILLE BRANCH. | | | |
| President, | 1,200 | 1,200 | B. Douglass, |
| Cashier, | 2,000 | 2,000 | L. R. Richards, |
| Clerk, | 800 | 800 | No. Rhodes. |

A true abstract from the statements received from the Branches.

HENRY EWING, Cashier.

(D.) STATEMENT OF INTEREST, paid on Internal Improvement and Bank Bonds issued by the State of Tennessee.

| To what Company issued. | Rate of Interest. | Date of Bonds. | Am't of Bonds. | Amount of Interest. | When Paid. | Where Paid. |
|---|---|---|---|---|---|---|
| Lebanon and Nashville Turnpike Company, | 5¼ pr. ct. | Nov. 20, 1837, | 2,000 | 52 50 | Jan. 5, 1839, | Nashville |
| do do do | " | May 21, 1838, | 4,000 | 210 | Jan. 29, " | " |
| do do do | " | July 2, " | 4,000 | | | " |
| Gallatin Turnpike Company, | " | March 31, " | 1,500 | 39 37 | Feb. 15, " | " |
| do do | " | Nov. 6, 1837. | 18,000 | 735 | Feb. 15, " | " |
| do do | " | March 31, 1838. | 10,000 | | | " |
| Lebanon and Nashville Turnpike Company, | " | Oct. 5, 1837, | 10,000 | 472 50 | Feb. 15, " | " |
| do do do | " | Jan. 1, 1838, | 4,000 | | | " |
| do do do | " | Feb. 5, " | 4,000 | 105 | Feb. 15, " | " |
| do do do | " | Feb. 5, " | 4,000 | 105 | Mar. 19, " | " |
| do do do | " | Aug. 20, " | 4,000 | 105 | April 9, " | " |
| do do do | " | Oct. 1, " | 4,000 | 105 | May 9, " | " |
| do do do | " | Nov. 5, " | 4,000 | 375 | May 11, " | " |
| Nashville and Charlotte Turnpike Company, | 5 pr. ct. | Nov. 3, " | 15,000 | 125 | May 23, " | " |
| Gallatin Turnpike Company, | " | Nov. 23, " | 5,000 | 52 50 | May 23, " | " |
| Lebanon and Nashville Turnpike Company, | 5¼ pr. ct. | Nov. 20, " | 1,000 | 1,725 | June 3, " | " |
| Columbia Central Turnpike Company, | 5 " | Nov. 3, " | 45.000 | | | " |
| do do do | " | Nov. 30, " | 24,000 | 26 25 | 20, " | " |
| Lebanon and Nashville Turnpike Company, | 5¼ pr. ct. | May 21, " | 1,000 | 52 50 | 24, " | " |
| do do do | " | May 21, " | 2,000 | 52 50 | July 5, " | " |
| do do do | " | July 2, " | 2,000 | 750 | 9, " | " |
| po do do | 5 " | Jan. 5, 1839, | 30,000 | 225 | 9, " | " |
| Nashville and Charlotte Turnpike Company, | " | Jan. 9, " | 9,000 | 150 | 17, " | " |
| Cumberland and Stones River Turnpike Co., | " | July 4, " | 6,000 | 650 | Aug. 17, " | " |
| Harpeth Turnpike Company, | " | Jan. 3, " | 26,000 | 105 | 21, " | " |
| Lebanon and Nashville Turnpike Company, | 5¼ pr. ct. | Aug. 20, 1838, | 4,000 | 275 | 22, " | " |
| Cumberland and Stones River Turnpike Co. | 5 " | Jan. 4, 1839, | 11,000 | | | " |
| Lebanon and Nashville Turnpike Company, | 5¼ " | Oct. 5, 1837, | 10,000 | | | |

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| do | do | do | | " | Jan. 1, 1838, | 4,000 | 472 50 | Sept. 2, | " | Nashville. |
| do | do | do | | " | Feb. 5, " | 4,000 | | | | " |
| Gallatin Turn pike Company, | | | | " | Nov. 6, 1837, | 18,000 | 774 37 | Sept. 2, | " | " |
| do | do | | | " | March 31, 1838, | 11,500 | | | | " |
| Lebanon a nd Nashville Turnpike Company, | | | | " | July 2, " | 2,000 | 52 50 | Sept. 6, | " | " |
| Cumberla nd and Stones River Turnpike Co. | | | 5 | " | Jan. 4, 1839, | 2,000 | 50 | Sept. 11, | " | " |
| Gallatin Turnpike Company, | | | | " | March 22, " | 24,000 | 600 | Oct. 8, | " | " |
| Lebanon and Nash ville Turnpike Company, | | | 5¼ | " | Oct. 1, 1838, | 3,000 | 78 75 | Oct. 9, | " | " |
| Gallatin Turnpike Company. | | | 5 | " | March 22, 1839, | 1,000 | 25 | Oct. 23, | " | " |
| do | do | | 5¼ | " | March 31, 1838, | 1,000 | 78 75 | Oct. 24, | " | " |
| Columbia Central Turnpike Company, | | | 5 | " | Nov. 3, " | 45,000 | 1,725 | Nov. 3, | " | " |
| do | do | do | | " | Nov. 30, " | 24,000 | | | | " |
| Nashville and Charlotte Turnpike Company, | | | | " | Nov. 3, " | 15,000 | 375 | Nov. 4, | " | " |
| Gallatin Turnpike Company, | | | 5¼ | " | Nov. 6, 1837, | 18,000 | 774 37 | Nov. 7, | " | " |
| do | do | | | " | March 31, 1838, | 11,500 | | | | " |
| Lebanon and Nashville Turnpike Company, | | | | " | Oct. 5, 1837, | 10,000 | 262 50 | Nov. 7, | " | " |
| Clarksville and Russelville Turnpike Co. | | | 5 | " | March 8, 1839, | 3,000 | 75 | Nov. 12, | " | " |
| Gallatin Turnpike Company, | | | | " | Nov. 23, 1838, | 5,000 | 125 | Nov. 19, | " | " |
| do | do | | 5¼ | " | March 31, " | 1,000 | 78 75 | Nov. 21, | " | " |
| Lebanon and Nashville Turnpike Company, | | | | " | May 21, " | 3,000 | 78 75 | Nov. 29, | " | " |
| Cumberland and Stones River Turnpike Co., | | | 5 | " | Jan. 4, 1839, | 6.000 | 150 | Jan. 9, | 1840, | " |
| do | do | do | | " | Jan. 4, 1839, | 2,000 | 50 | Jan. 10, | " | " |
| Lebanon and Nashville Turnpike Company, | | | | " | Jan. 5, " | 30,000 | 750 | Jan. 11, | " | " |
| Gallatin Turnpike Company, | | | | " | March 29 " | 1,000 | 25 | Oct. 11, | " | Philadel'ia. |
| do | do | | | " | Nov. 23, 1838, | 36,000 | 900 | Sept. 1, | 1839, | " |
| do | do | | | " | Nov. 23, " | 7,000 | 175 | Oct. 11, | " | " |
| do | do | | | " | Nov. 23, " | 2,000 | 50 | Dec. 4, | " | " |
| do | do | | | " | Nov. 23, " | 2,000 | 50 | Dec. 5, | " | " |
| do | do | | | " | Nov. 23, " | 10,000 | 250 | Dec. 27, | " | " |
| do | do | | | " | March 22, 1839, | 1,000 | 25 | Dec. 27, | " | " |
| do | do | | | " | Nov. 23, 1838, | 10,000 | 250 | Dec. 31. | " | " |
| | | | | | | | 14,794 36 | | | |

(Ex. B.—Cont'd) RECAPITULATION.

| | | |
|---|---|---|
| Lebanon and Nashville Turnpike Company, | 5¼ per cent. | 2,388 75 |
| do do | 5 " | 1,500 |
| Gallatin Turnpike Company, | 5¼ " | 2,480 61 |
| do do | 5 " | 2,600 |
| Harpeth Turnpike Company, | 5 " | 650 |
| Nashville and Charlotte Turnpike Co., | 5 " | 975 |
| Columbia Central do | 5 " | 3,450 |
| Cumberland and Stones River Turnpike Co., | 5 " | 675 |
| Clarksville and Russellville do | 5 " | 75 |
| | | $14,794 36 |

INTEREST PAID ON STATE BONDS ISSUED FOR BANK OF TENNESSEE.

| | | |
|---|---|---|
| December 28, 1838, Interest - - - | | 11,703 77 |
| May 13, 1839, " - - - | | 29,056 23 |
| November 14, 1839, " - - - | | 30,000 |
| | | $85,554 36 |

HENRY EWING, *Cashier*

(E.)

Statement of the Condition of the Union Bank of Tennessee and Branches. November 2d, 1839.

| | | |
|---|---|---|
| Domestic Bills of Exchange.—Principal Bank, | 586,794 06 | |
| Office at Jackson, | 169,744 29 | |
| " Columbia, | 36,088 16 | |
| " Knoxville, | 15,000 | 807,626 51 |
| Notes under Discount.—Principal Bank, | 1,482,001 41 | |
| Office at Jackson, | 647,066 55 | |
| " Columbia, | 544,901 64 | |
| " Knoxville, | 199,249 18 | 2,873,218 78 |
| Suspended Debt—or Debt in suit, | 386,880 11 | |
| Office at Jackson, | 30,168 57 | |
| " Columbia, | 57,376 25 | |
| " Knoxville, | 3,736 25 | 478,161 18 |
| Planter's Bank Stock, | 900 | |
| State of Tennessee, | 12,428 04 | |
| Jno. M. Bass, Pension Agent, | 1,018 70 | 14,345 74 |
| Exchange Account, | 1,733 88 | |
| Expense Account.—Principal Bank, | 1,498 17 | |
| Office at Jackson, | 58 44 | 3,290 49 |
| Real Estate at Nashville, | 32,532 20 | |
| " Jackson, | 16,268 07 | |
| " Columbia, | 11,108 68 | |
| " Knoxville, | 10,984 76 | 70,893 71 |
| Due from sundry Banks, | | 51,172 26 |
| Cash on hand, viz:— | | |
| State and City Bank Notes, | 54,154 | |
| Distant Bank Notes. | 112,522 | |
| Gold and Silver, | 115,297 76 | |
| " intransitu from N. O. | 50,000 | 331,973 76 |
| | | $4,630,682 43 |

(E.—Continued.)

| | | | |
|---|---|---|---|
| Capital Stock paid in, | 2,490,804 | | |
| Additional State Stock, | 146,600 | 2,637,404 | |
| Post Notes on time, payable North, | 551,238 46 | | |
| " " South, | 75,500 | 626,738 | 46 |
| Notes in circulation, | | 328,695 | |
| Certificates on interest, | | 59,522 | 05 |
| State of Tennessee (special) on interest, | | 353,676 | |
| Due to sundry Banks, | | 57,878 | 34 |
| Office Balances, | | 36,163 | 52 |
| Dividends Unpaid, | | 33,069 | 39 |
| Individual Depositors.—Principal Bank. | 57,456 10 | | |
| Office at Jackson, | 35,740 67 | | |
| " Columbia, | 22,268 87 | | |
| " Knoxville, | 9,666 08 | 125,131 | 72 |
| Treasurer United States, | 3,699 95 | | |
| Treas'r Ten.–Deposite at Jackson & Knoxville, | 14,475 21 | | |
| Jno. W. Campbell, Pension Agent, Jackson, | 2,222 96 | | |
| D. Campbell, Agent, Knoxville, | 4.360 82 | 24,758 | 94 |
| Contingent or surplus Fund, | | 347,645 | 01 |
| | | $4,632,682 | 43 |

W. S. PICKETT, *Assistant Cashier.*

(F.)

Curtailment of the debt of the Union Bank of Tennessee and Branches from 1st November, 1837, to 1st November, 1839.

| | Debt 1st Nov'r 1837. | Debt 1st Nov'r 1839. | Curtailment. |
|---|---|---|---|
| Principal Bank, Nashville, | 3,252,379 96 | 2,455,675 58 | 796,704 38 |
| Office at Jackson, | 916,174 63 | 846,979 41 | 69,195 22 |
| " Columbia, | 855,440 81 | 638,366 05 | 217,074 76 |
| " Knoxville, | 227,671 96 | 217,985 43 | 9,686 53 |
| | $5,251,667 36 | 4,159,006 47 | 1,092,660 89 |

W. S. PICKETT, *Assistant Cashier.*

(G.)

Statement of Dividends declared by the Union Bank of Tennessee for two years preceding 1st November, 1839.

| Date. | Capital. | Rate of pr. ct. | State Dividend. | Dividends payable in Nashville. | Dividends payable in Philadelphia and N. Y. |
|---|---|---|---|---|---|
| May 25, 1838, | 2,553,739 | 6 | 35,900 | 13,191 44 | 104,179 |
| Oct. 1, " | 2,584,094 | 3 | 17,952 | 5,853 72 | 53,711 10 |
| April, 1, 1839, | 2,607,534 | 4 | 24,872 | 7,430 56 | 71,998 80 |
| Oct. 1, " | 2,637.404 | 4 | 25,864 | 7,407 56 | 72,212 |
| | | | $104,588 | 33,883 28 | 302,100 90 |

W. S. PICKETT, *Ass. Cas.*

(H.)

Statement of the nett profits of the Union Bank of Tennessee and Branches for the periods below stated.

| Dates. | Capital. | Net Profits. |
|---|---|---|
| From 1st January to 1st July, 1838, | 2,553,579 | 70,162 |
| " 1st July, 1838, to 1st Jrnuary, 1839, | 2,554,939 | 112,008 |
| " 1st January, 1839, to 1st July, 1839, | 2,584,094 | 78,687 |
| | | $260,857 |

W. S. PICKETT, *Ass. Cash.*

(I.)

State of the Planters' Bank of Tennessee and Branches, Oct. 16th, 1839.

RESOURCES.

| | | |
|---|---|---|
| To Notes discounted, | 2,699,024 23 | |
| Domestic Bills, | 910,784 64 | 3,609,808 87 |
| Bonds of the State of Tennessee, | | 78,750 |
| Real Estate, | | 62,789 95 |
| Bank Stock, | | 1,500 |
| Expense Account, | | 12,588 93 |
| Due from other Banks, | | 239,405 27 |
| Cash on hand, viz: | | |
| Notes and Checks of other Banks, | 182,464 | |
| Gold and and silver, | 238,763 | |
| do in transit, | 24,641 73 | 445,868 73 |
| | | $4,450,711 75 |

LIABILITIES.

| | | |
|---|---|---|
| By Capital Stock, | | 2,248,760 |
| Contingent Fund, | 453,291 89 | |
| Profit and Loss, | 17,582 06 | 470,873 95 |
| Due to other Banks, | | 134,575 23 |
| Certificate of Deposite, | | 37,584 76 |
| Post Notes and Checks on time, | | 396,619 03 |
| Unclaimed Dividend, | | 5,903 89 |
| State of Tennessee on interest, | | 303,887 13 |
| Discount and Exchange received, | | 80,774 32 |
| Individual depositors, | | 182,448 84 |
| Notes in Circulation, | | 589,285 |
| | | $4,450,711 75 |

M. WATSON, *President.*

(K.)

State of the Planters' Bank of Tennessee and Branches on the 1st day of November, 1839.

RESOURCES.

| | | |
|---|---|---|
| Notes Discounted at Nashville, | 1,586,367 92 | |
| " " Pulaski, | 159,116 49 | |
| " " Athens, | 186,785 01 | |
| " " Clarksville, | 58,069 88 | |
| " " Franklin, | 42,304 46 | |
| " " La Grange, | 119,813 40 | |
| " " Winchester, | 8,084 22 | 2,160,541 38 |
| Domestic Bills at Nashville, | 735,284 95 | |
| " " Pulaski, | 55,401 54 | |
| " " Clarksville, | 57,554 47 | |
| " " La Grange, | 144,005 10 | |
| " " Franklin, | 2,250 | |
| " " Winchester, | 200 | 994,696 06 |
| Suspended debt or bills and notes in suit Nash. | 434,830 26 | |
| " " " " " Pulaski, | 66,130 52 | |
| " " " " " Athens, | 6,655 35 | |
| " " " " " Clarksville, | 194 75 | |
| " " " " " Franklin, | 2,325 30 | |
| " " " " " La Grange, | 23,097 50 | 533,233 68 |
| Due from Banks, | | 241,842 29 |
| Expense Account, | | 18,070 69 |
| Bank Stock, | | 1,500 |
| Real Estate, | | 62,673 29 |
| Bonds of the State of Tennessee, | | 78,750 |
| Cash on hand, | | |
| Notes and Checks of other Banks, | 116,363 52 | |
| Specie, | 274,388 29 | 390,751 81 |
| | | $4,482,059 20 |

LIABILITIES.

| | | |
|---|---|---|
| Capital Stock, | | 2,248,760 |
| Due to other Banks, | | 207,068 57 |
| Post Notes on time, | 475,682 95 | |
| Deduct in hands of Agents to pay, | 115,298 83 | 360,384 12 |
| State of Tennessee, | | 303,887 13 |
| Unclaimed Dividend, | | 5,863 89 |
| Deposites, | | 152,098 74 |
| Circulation, | | 616,233 |
| Profit and Loss, | | 17,582 06 |
| Contingent Fund, | | 453,291 89 |
| Discounts and Exchange, | | 107,841 90 |
| Office Balances, | | 9,047 90 |
| | | $4,482,059 20 |

PLANTERS BANK OF TENNESSEE,
*Nashville, Nov*, 30, 1839.

W. P. HUME, G. B. K.

(L.)

A statement showing the resources and liabilities of the Planters Bank of Tennessee exclusive of Capital Stock on the 27th May, 1837, 1st Jan., 1839, and 16th October, 1839.

| RESOURCES | May 27, 1837. | Jan'y 1, 1839. | Oct. 16, 1839. |
|---|---|---|---|
| Notes and domestic bills dis'd | 4,922,443 50 | 4,016,925 | 3,609,808 87 |
| Real Estate, | 25,131 37 | 32,476 33 | 62,789 95 |
| Due from other banks, | 756,761 26 | 786,577 34 | 239,405 27 |
| State Bonds, | | 78,750 | 78,750 |
| Bank Stock, | | | 1,500 |
| Notes of other Banks, | 268,212 62 | 617,520 | 182,464 |
| Specie, | 211,317 39 | 320,665 21 | 263,404 73 |
| | 6,183,866 14 | 5,252,913 88 | 4,438,122 82 |
| LIABILITIES. | | | |
| Due to other Banks, | 158,580 26 | 305,829 28 | 134,575 23 |
| Post notes & checks on time, | 685,593 98 | 635,825 | 396,619 03 |
| Unclaimed Dividend, | 1,006 02 | 93,960 61 | 5,903 89 |
| Certificate of Deposite, | | 54,222 64 | 37,584 76 |
| Treasurer of the U. States, | 450,050 | 322 41 | |
| United States officers, | 357,248 97 | | |
| State of Tennessee on interest | 365,488 13 | 303,887 13 | 303,887 13 |
| Individual Depositors, | 388,708 51 | 193,905 99 | 182,448 84 |
| Circulation, | 1,212,865 | 960,170 | 589,285 |
| | 3,619,540 87 | 2,548,123 06 | 1,650,303 88 |

The notes and bills discounted have been reduced since
1st Jan. 1839, 407,116 13
do do 27th May 1837, 1,312,634 63

The liabilities of the Bank have been reduced since the
1st Jan. 1839, 897,819 18
27th May 1837, 1,969,236 99

PLANTERS' BANK OF TENNESSEE,
Nashville, Nov. 30, 1839.

W. P. HUME, G. B. K.

(M.)

## BANK OF MEMPHIS.

Condition of the Farmers and Merchants Bank of Memphis on the 27th of November, 1839.

MEANS.

| | | |
|---|---|---|
| Notes discounted, | | 557,542 88 |
| Bills of Exchange, | | 265,084 85 |
| Notes and bills in suit, | | 94,739 91 |
| Other suspended debt, | | 56,216 24 |
| Due from sundry distant banks, | | 30,366 29 |
| Real Estate, Banking house, &c, | | 8,409 81 |
| Expenses, | | 1,970 38 |
| *Cash on hand, viz:* | | |
| U. S., and other eastern bank notes, | 2,842 | |
| Tennessee bank notes, | 51,541 | |
| Southern solvent notes, | 6,525 | |
| Gold and silver, | 55,111 68 | |
| | | 116,019 68 |
| | | $1,130,346 04 |

*Liabilities.*

| | |
|---|---|
| Capital stock paid in, | 582,725 |
| Bank notes in circulation, | 218,070 |
| Checks on time, | 46,922 37 |
| State of Tennessee on deposite, | 17,273 30 |
| Due to sundry distant banks, | 29,966 49 |
| Sundry public offices and institutions, | 16,142 51 |
| Contingent fund in reserved profits, | 62,785 96 |
| Dividends unpaid, | 3,726 19 |
| Profits since first of July last. | 20,606 31 |
| Individual depositors. | 132,127 97 |
| | $1,130,346 04 |

Signed, S. WHEATLEY, Pres't.
CHARLES LOFLAND, Cash'r.